The Solicitors Journal.

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CURRENT TOPICS.

THE LAST DAY of the Chancery Vacation Sittings witnessed no great diminution in the work, Mr. Justice GRANTHAM taking his seat at half-past eleven o'clock, and completing the business at half-past four. On Wednesday next (when the learned judge sits in chambers for Queen's Bench business) only very pressing chancery matters will be taken; all others will stand over to the first day of the sittings.

FOUR STATUTES were passed in the second session of the year 1886, which came to an end in September last, being the Appropriation Act, the Secret Service Money (Repeal) Act, the Belfast Commission Act, and the Expiring Laws Continuance Act. These Acts will in future be numbered as "50 Vict. cc. 1 to 4, sess. 2," the Acts of the first session being numbered, up to chapter 24 inclusive, as 49 Vict. c. 1, or 2, or as the case may be, and the remaining chapters as 49 & 50 Vict. c. 25, or 26, or as the case may be. The 20th of June, being the commencement of her Majesty's reign, is the crucial date which determines the "year of the Queen," as the lawyer's phrase goes. Should a third session become necessary in the present year, the Acts passed therein would be numbered as 50 Vict. sess. 3, c. 1, or 2, or as the case may be; and so, if the session should be continued by adjournment, would the Acts subsequently passed in that session up to the 20th of June, 1887, when "50 & 51 Vict." would begin to make its appearance. It was many years ago recommended by a select committee of the House of Commons that the numbering of the statutes "by the year of the Queen" should be superseded by a numbering by the year of our Lord, as has long been done in the Colonies. The jubilee year of her Majesty's reign would perhaps afford a convenient opportunity for making a change which would greatly facilitate legal references for the future.

THE RECENT FRAUDS by the clerk of the Stonehouse Local Board may lead to some doubt as to the wisdom of the practical abolition, by the Public Health Act, 1875, of the requirement of the Act of 1848 (section 35), that in non-corporate districts (*i.e.*, districts not forming part of a corporate borough) all documents purporting to proceed from the local board should "be signed by any five or more members thereof" as well as sealed. The forgeries stated to have been committed by CURTEIS, however, shew that such a provision would have been of little avail. A very little precaution as to the custody of the common seal would make such frauds as those of CURTEIS difficult, if not impossible. Why should not the seal be kept in a box with two separate locks, the key of one of which should be in the custody of the clerk who has to prepare the securities issued by the board, and the key of the other in the custody of the treasurer or other person who has to receive the money advanced on such securities; it being, for the security of the board, provided by bye-law or written direction that the seal should only be used by these persons jointly? It would seem probable that under such a bye-law an instrument, the seal to which it could be proved was affixed by one only of these persons, would not bind the board (see *D'Arcy* v. *Tamar, &c., Railway Co.*, L. R. 2 Ex. 158; *Colchester* v. *Lowten*, 1 Y. & B. 243, 244). For the security of the investor it would seem to be necessary that the money advanced should be actually paid to the treasurer or other person having general authority to receive money on behalf of the board.

AT A MOMENT when a Bill for "cheapening land transfer" is on the stocks, it is to be regretted that it did not occur to the President of the Incorporated Law Society that both the public and the Government require to be enlightened upon the real facts as to conveyancing remuneration. He did, indeed, devote a few words to pointing out that the scale fee for a purchase under £100 was limited to £3, and on a purchase under £300 to £5; but this was the only reference to a question which we fancy six months' hence will present itself as one of considerable practical interest even to the occupants of the council room in Chancery-lane. Prevention is better than cure, and it is a good deal easier to influence a Bill which is in course of preparation than to procure an alteration in a Bill after it has been introduced. A statement, based on statistics which could have been obtained with little difficulty through the local law societies, of the rate at which conveyances of small plots of land are actually obtained, and of the average charges of country solicitors for the transfer of land, coupled with a comparison of the charges of auctioneers and surveyors with those of solicitors, would have been of the highest value to the interests of the profession at the present time. It should not be forgotten that such a statement, made in 1874, procured even from Lord CAIRNS an important modification of his scheme for the registration of title. Apart from this omission, the President's remarks on the question of land transfer were useful and sensible. Following generally the lines of Mr. JOHN HUNTER'S famous paper last year, he advocated the assimilation of the law of real property to that of personal property, and it can hardly be doubted that in this direction is to be found the solution of the land transfer question. It seems to us, however, that the most valuable part of the President's address was that relating to the operation of the Bankruptcy Act. His criticism of the mode in which it is systematically worked so as to increase official expenses without any corresponding advantage to creditors, and of the long and unnecessary delay which occurs before the confirmation of an arrangement, was most valuable and opportune. With regard to private arrangements, his suggestion that a debtor should be empowered, with the assent of a certain proportion—say three-fourths—of his creditors, to file a deed embodying the terms of the arrangement, and that opposing creditors (if any) should be called upon to establish their opposition by shewing that the proposed arrangement will either be less beneficial to the creditors than bankruptcy, or that the debtor's conduct has been such as to make it imperative, in the interests of commercial morality, to force him into public bankruptcy, is practically identical in principle with the plan which has always been advocated in these columns. The objections which were urged to the scheme on the ground that it would re-introduce the evils existing under the Act of 1861 must have been based on misapprehension. The president did not suggest that an absolute power of binding creditors who may have a reasonable objection to the proposal should be given to any majority, however large, such as was contained in the Act of 1861; he only desired to reach that class of creditors who hold out most unreasonably in the hope of getting better terms than the bulk of the creditors. It would be easy to frame a provision which would protect minorities acting *bonâ fide* in their objections, by giving them a right to attend on registration and urge any objection which they might entertain, and by laying down rules which should regulate the decisions of the courts in such cases.

THERE CAN CERTAINLY be no complaint of any falling off in the quality of the papers read at the York meeting. Several of them were admirably opportune and were alone worth the trouble of a journey to the North to hear. Mr. GODDEN'S masterly review of the question of searches deserves the most careful attention; he dealt with a difficult and obscure subject with a clearness, terseness, and accuracy which cannot be too highly commended. The

suggestions for legislative reform, made at the close of his paper, anticipated, to some extent, the suggestions which we hope hereafter to make on that subject; excellent as Mr. GODDEN'S proposals, however, are, we think we see our way to a further simplification of the process of search. Mr. WHITE, in his exhaustive paper on "Bills of Sale," has also, in some degree, forestalled a design we had in view of presenting a synopsis of the decisions on the Act of 1882, with a view of assisting our readers in the preparation of bills of sale. His paper, which we hope to print in full next week, contains a most useful summary and discussion of the cases; we observe that even the very recent important decision of STIRLING, J., in *Lumley* v. *Simmons* (*ante*, p. 674, 34 W. R. 759), has not escaped his attention. Mr. BERNARD WAKE did good service in pointing out the important results of the decision in *Newbould* v. *Smith* (34 W. R. 690), to which we called attention, *ante*, p. 665; and Mr. MORRELL'S paper on "Legal Education and the Universities," coupled with Mr. JEVONS' paper on "Legal Education in the Provinces," furnished material for a valuable discussion. We think that the experience of our readers who have had articled clerks from the universities will accord with that of Mr. MATHEWS that university men make the best clerks and the best lawyers; and we imagine no one will be found to dissent from Sir A. K. ROLLIT'S remark that the only method by which the profession can be brought to its proper position is by making sure of the general education of its members. There is the strongest reason for desiring a university education for solicitors, and it may be hoped that the inquiry to be instituted by the council will result in some scheme which will facilitate this object. We confess we see no method so likely as that suggested by Mr. GREGORY, of reducing the term of university residence from three years to two.

THE OBJECT of the able paper read by Mr. BARKER before the York meeting was to shew that "registry of title is unsuited to our English institutions, and that, with one or two simple alterations in the general law, the true path of land transfer reform lies in the direction of registration of assurances and not in that of registration of title." The objections to registration of title advanced by the author are apparently objections to registration after an official examination of title, a scheme which now has but few advocates; he entirely ignores schemes for registration without official examination of title, schemes which have the sanction of Sir HORACE DAVEY and Mr. HOLT. He points out that the question of compensation for errors in registration must be faced, but he does not call attention to the system of insurance in force in some of the colonies (see *ante*, p. 269), where it is found that a charge of one halfpenny in the pound creates too large an insurance fund. He considers that "one effect of a compulsory system of registry of title would be to mulct every landowner in a considerable sum for the benefit of his successors in title." No doubt this is correct if the first registration is to be made after official examination of title, but this will not be the case if Sir H. DAVEY'S scheme is adopted (see the question of cost discussed *ante*, p. 267). Assuming that registration of assurances is adopted, Mr. BARKER gives several valuable suggestions for making it work, among which we may mention the enrolment of the memorials themselves, official searches, and the proposal that official certificates of search should be treated as muniments of title. Mr. BARKER concurs with most law reformers in advocating the abolition of estates tail and the appointment of a real representative. He also points out the importance of extending the provisions of the Settled Land Act to a case where it does not apply, and advocates the codification and revision of the law relating to the registration of judgments and executions as against land; those of our readers who peruse our current articles "Concerning Searches" will cordially concur with the latter suggestion. Want of space prevents us from discussing Mr. BARKER'S other proposals, all of which are well deserving of consideration.

IT HAS BEEN STATED by an evening contemporary that a prosecution has been instituted against some members of a "Church Conservative Club" for an alleged offence against the Lottery Acts consisting of a "raffle at a bazaar," whether held to promote the ecclesiastical or political objects of the club we do not gather. The Lottery Acts are eleven in number, but the particular statute under which proceedings were taken is mentioned as being 42 Geo. 3, c. 119. By this Act, after reciting that "evil disposed persons do frequently resort to public houses and other places to set up certain mischievous games or lotteries called little goes, and to induce servants, children, and unwary persons to play at the said games," it is enacted that "all such games or lotteries called little goes are declared to be common nuisances and against law." So far the Act is merely aimed at the no longer existing "little goe," which term, whatever it may mean, would not include the raffle of modern times. But the next section enacts that no person shall keep "any office or place to exercise, keep open, shew or expose to be played, drawn or thrown at or in, either by dice, lots, cards, balls, or by numbers or figures, or by any other way, contrivance, or device whatsoever, any game or lottery called a little goe, or any other lottery whatsoever not authorized by Parliament, or shall knowingly suffer to be exercised, kept open, shewn, or exposed to be played, drawn, or thrown at or in, either by dice, lots, cards, balls," &c., "any such game or lottery in his or her house, room, or place." The penalty is five hundred pounds, to be recovered at the suit of the Attorney-General on information; but it is very material to point out that the statute adds that "every person so offending, against whom no information shall have been made as aforesaid, shall be deemed a rogue and a vagabond within the true intent and meaning of 17 Geo. 2, c. 5, and 27 Geo. 3, c. 1"—which Acts are now represented by the Vagrant Act, 1824 (5 Geo. 4, c. 83), under which rogues and vagabonds may be committed to prison for three months by any justice of the peace. Three questions of law arise upon the construction of the statutes above referred to; the first and most important being whether a raffle at a bazaar is a lottery within 42 Geo. 3, c. 119; and the second being whether it is from the Vagrant Act of 1824 or from the Acts 17 Geo. 2 and 27 Geo. 3, which it superseded, that the procedure for dealing with offenders as rogues and vagabonds is to be drawn; and the third, whether the members of a club could be proceeded against. Upon the first point we have little doubt. The words of 42 Geo. 3, c. 119, are so comprehensive that we think they would include the modern raffle as usually conducted. As to the second point, we find in the Vagrant Act of 1824 no words similar to those of modern consolidating Acts which direct (see, *e.g.*, the Factory Act, 1878, s. 102) that "any enactment referring to the Acts repealed" by the consolidating Act "or any of them shall be deemed to refer" to the consolidating Act "and to the corresponding enactment thereof," so that the procedure must not be sought for in the Vagrant Act, 1824. We have no doubt, however, that, where an earlier Act is incorporated in a later Act, the repeal of the earlier Acts does not repeal the incorporated part so far as regards the later Act (*Reg.* v. *Smith*, L. R. 8 Q. B. 146), so that, *quâ* procedure for dealing with raffle-starters as rogues and vagabonds, the earlier Vagrant Acts, 17 Geo. 2, c. 5, and 27 Geo. 3, c. 1, are still in force. As to whether the members of a club could be proceeded against, we can express no opinion without knowing more than has yet appeared of the constitution of the club in question.

IN ANTICIPATION of the approaching "Domesday Commemoration," it may be interesting to note that the late Master of the Rolls, with that untiring vigilance which characterized his official career, caused the Domesday Book to be completely repaired, handsomely bound, and placed in a case protecting it from injury. It is also understood that, by his direction, every page was carefully photographed.

An American journal says that a justice of the peace in a rural district of Georgia, in the habit, in the absence of regular lawyers, of transacting professional business for his neighbours, on one occasion was employed to draw a marriage settlement. The estate was limited to the lady during her life, "and at and after her death to any child or children she may have had by the said Thomas Smith his heirs, executors, administrators, or assigns." "What do you think of it?" asked Smith of a lawyer to whom he shewed the document. "I think," answered the lawyer, "that whoever drew this deed was determined there should be no trouble by reason of failure of issue."

THE CONSOLIDATED BANKRUPTCY RULES.

We commented last week on the Consolidated Bankruptcy Rules, which will shortly be published, noticing the points in which they will be found to differ from the recently published new rules. We propose now to review shortly the remainder of the Consolidated Rules. Under the heading "Composition or Scheme," (rr. 195—216) we have several important new rules. The rule dealing with the application to the court by the official receiver for the approval of a composition or scheme differs slightly in the Consolidated Rules from the form in which it originally appeared. In the new rule, as published, it was provided that where the creditors had approved a composition or scheme, and the debtor had not, within three days from the date of the confirmation, applied to the court to approve of it, the official receiver might make an application for the approval of the court whether he reports in favour of it or not. The rule as it appears in the Consolidated Rules (r. 197) provides that the official receiver may forthwith, on the request of the debtor, or in any other case if the debtor does not, within three days from the date of the confirmation, apply to the court, make an application to the court for its approval. In other respects the new rules as they appear in the Consolidated Rules are practically indentical with the rules already published (see *ante*, p. 733).

Under the heading "Proof of Debts," we find the new rules with regard to proofs for workmen's wages, and the production of bills of exchange and promissory notes in respect of which a creditor desires to prove. The old rule 170, which provided that a proof intended to be used at the first meeting must be lodged with the official receiver not less than one clear day before the day appointed for the meeting, is annulled. In its place we have a rule the effect of which is that the proof must be lodged with the official receiver not later than the time mentioned for that purpose in the notice convening the meeting. Such time, however, must not be earlier than noon of the day but one before, nor later than noon of the day before, the day appointed for the meeting. The old rules with regard to the procedure for dealing with proofs are also annulled, and in their place we have the new rules (rr. 223—231) in the form already published. The last of these rules provides that the official receiver shall in no case be personally liable for costs in relation to an appeal from his decision rejecting any proof. Presumably, this rule is intended to meet a contingency which, so far as we know, has not yet arisen, although in a recent case (*Ex parte Smith, Re Brown*, L. R. 17 Q. B. D. 481) a *trustee*, who had rejected a proof under the direction of the committee of inspection, was ordered by the Court of Appeal to pay costs personally, on the ground that he had acted unreasonably and improperly.

With regard to the discharge of the bankrupt, rule 235 of the Consolidated Rules, which is in substitution for the old rule 178, differs from the repealed rule in two points. Under the old rule a bankrupt intending to apply for his discharge had to give notice of the time and place of the hearing of the application to the trustee and the official receiver; and the official receiver had to send a copy of such notice to the Board of Trade for insertion in the *London Gazette*. Under the new rule the notice to the trustee and the official receiver is to be given by the registrar, who must also send a copy of the notice to the Board of Trade.

Following the heading "Proceedings by or against a Firm," we have a new heading "Joint and Separate Estates," comprising the rules which regulate the procedure where there are joint and separate estates and joint and separate creditors. These rules (rr. 265—270) are incorporated in the Consolidated Rules in the form in which they are originally published. Passing to Part III. we find incorporated in rule 273 the numerous new provisions with regard to summary administration in the case of small bankruptcies under section 121 of the Act. The old rule 199, sub-section (7), which provided that, except for the purpose of confirming a composition or scheme, there should be only one meeting of creditors, is annulled, and in its place we have the new provisions which have been made with the view of simplifying the procedure and diminishing the expense in the case of small bankruptcies. These rules appear in the form in which they were originally published. The new rules with regard to the administration of the estates of persons dying insolvent are to be found in rule 275 and rules 277—279 of the Consolidated Rules.

Under the heading "Trustees" in Part IV. of the rules we have the new rule (rule 301 of the Consolidated Rules), complementary to the old rule 221, with regard to the grounds on which the Board of Trade may refuse to certify the appointment of a trustee. Rules 316 and 317 are the new rules which prohibit the trustee or any member of the committee of inspection from purchasing any part of the bankrupt's estate except by leave of the court, and which prohibit any member of a committee of inspection from deriving a profit from any transaction arising out of the bankruptcy, whilst rule 318 (in substitution for the old rule 247) contains the important provision to the effect that, before an estate is handed over by a trustee to the official receiver, the trustee must discharge any balance due to the official receiver on account of fees, &c., properly incurred by him, and on account of all advances properly made by him in respect of the estate, together with interest on such advances at the rate of four per cent. per annum, and must also discharge, or undertake to discharge, all guarantees which have been properly given by the official receiver for the benefit of the estate. The official receiver, moreover, is to be deemed to have a lien upon the estate until such balance has been paid and such guarantees discharged. Rule 319 also has the effect of strengthening the position of the official receiver by providing that, where the Board of Trade is of opinion that any act done by a trustee or resolution passed by a committee of inspection should be brought to the notice of the creditors, the official receiver may summon a meeting of creditors to consider the same. The new rule providing that, on certain applications to the court by the official receiver, evidence may be given by his report without the necessity for an affidavit, appears as rule 333 of the Consolidated Rules, whilst the new rules dealing with the trading account of the debtor and the official receiver's liability for costs and expenses appear as rules 338 and 339 respectively. "Special Manager" is a new heading, and under it is a new rule requiring the special manager to account to the official receiver. The remaining new rules are incorporated under their proper headings in the form in which they have already been published.

THE CONSTRUCTION OF CONDITIONS OF SALE.

III.

There are some further conditions which will serve to illustrate the subject discussed in our previous articles. When a vendor offers a property for sale, two things are important, the property itself and the title to it. The property itself is usually described in particulars of sale and the title to it is set forth in the abstract. But in either respect the purchaser may find that he can only get something less than he bargained for. The property may turn out to be deficient in quantity or otherwise, and the title may be defective. In such cases what is to happen? This is dealt with very clearly by the Master of the Rolls in the principal case—viz., *Re Terry and White's Contract* (34 W. R. 379, L. R. 32 Ch. D. 14). In the absence of any special condition the court regulates the matter by granting or refusing its own special remedy at its discretion. If a vendor, who has made a substantial mistake to the injury of the purchaser, comes to the court praying for specific performance, it will be refused, and he will be left to get what remedy he can upon his contract at law. But if the purchaser is the applicant, then he will be allowed to enforce the contract, and will receive compensation for the depreciation in value which the mistake has caused. The vendor, therefore, is liable, as against the purchaser, to an abatement in the price, while on his side he is not at liberty to rescind. Against these disadvantages he usually protects himself by special conditions. With regard to the first he stipulates that compensation upon settled terms, or that no compensation at all, shall be paid. It will be sufficient for us to take the latter case, in which it is provided that any error or misdescription shall not annul the sale, and that no compensation shall be allowed in respect thereof. With regard to rescission, again, it is provided that if the purchaser persists in any objection which the vendor is unable or unwilling to remove, he shall be at liberty to rescind the contract; such objection may refer, according to the terms of the condition, either to matters of title only, or also to matters of description or of

conveyance. These conditions being thus inserted in the interest of the vendor, and abridging the rights which would otherwise belong to the purchaser, have been jealously watched by the court, and the principal case is important as settling the meaning which is to be given to them. With regard to the proviso against compensation being allowed for errors of description, there is little doubt that equity has striven to put its own construction upon this and to hold that it was only meant by the parties to apply to slight mistakes. In *Portman* v. *Mill* (2 Russ. 570), where an estate proved to contain 349 customary acres instead of 349 statute acres, the difference being some 100 acres, Lord Eldon said, "I never can agree that such a clause (if there were nothing else in the case) would cover so large a deficiency in the number of acres as is alleged to exist here." And in various cases since either remarks or actual decisions tending in the same direction are to be found; they are referred to in the principal case. Thus, in *Cordingley* v. *Cheeseborough* (4 D. F. & J. 379), it was said by Lord Westbury, with regard to a similar clause, that it probably applied to unintentional and inconsiderable errors, and in *Dimmock* v. *Hallett* (L. R. 2 Ch. 21) Turner, L.J., said that such a condition applied to accidental slips, but not to a misrepresentation so great as materially to mislead the purchaser. While in *Whittemore* v. *Whittemore* (L. R. 8 Eq. 603) Malins, V.C., following these cases, decided that the deficiency in question, being material, was not included in the clause prohibiting compensation. But all this is distinctly disapproved of in the principal case; so far as the decisions rest upon a special equitable construction of the condition opposed to its plain words, they must be taken to be wrong, though some of them may be upheld upon other grounds. They do, indeed, to a certain extent, rest upon the court's discretionary use of its remedy. This is clear from the fact that a distinction is drawn according as it is the vendor or purchaser who sues for specific performance. Thus, in *Cordingley* v. *Cheeseborough*, Lord Westbury, C., says:—

"No doubt it is a very wholesome maxim that a vendor shall be required to bring into the market particulars and conditions of sale prepared with great care and fairness; and, when the vendor is the plaintiff for specific performance, that rule is, in my judgment, properly enforced against the vendor. But, when the purchaser insists that the terms of the contract give him a right to a deduction, claiming still the benefit of the contract, the rule to which we have referred is no longer applicable, and the contract must be construed according to the ordinary rules of construction for the purpose of ascertaining whether he is, or is not, entitled to the deduction from his purchase-money."

Here, then, we arrive at the principle now fully established: no special protection is to be afforded to the purchaser as such. If he chooses to make a contract in which his claim to compensation is negatived, he does this with his eyes open and has only himself to blame if he suffers loss. Courts of equity may have seemed to give a special interpretation to conditions in his favour, but they will certainly do so no longer; and it is to be assumed that in all such cases they were rather exercising a discretion as to the remedy than adopting a construction different from that at law. This discretion they still retain, and will use it to prevent the vendor from taking an unfair advantage of the purchaser. But it can be done in only one way. If the purchaser comes praying for specific performance with compensation, he is met by the condition: the plain words of that the court cannot break through; no compensation is the term agreed upon and no compensation will be awarded. If, on the other hand, the vendor is the plaintiff, the court will not help him unless he waives the condition and grants a deduction from the price. This it does upon the principle that he shall not take advantage of his own mistake to inflict a substantial injury upon the purchaser. As a matter of fact, the distinction seems to be that, while in ordinary actions it is only wilful default, fraud, or carelessness amounting to fraud, that disentitles a plaintiff to the assistance of the court, yet, in this case, mere carelessness is sufficient if it inflicts substantial injury upon the purchaser, even though the latter might have avoided it by exercising greater care on his own part. This would seem to be a relic of the special protection given by the court to purchasers, and we might predict that it would vanish with the idea of equitable construction were it not now too deeply rooted in the law.

Finally we may notice the condition which provides that, if the vendor is unable or unwilling to remove an objection, he is to be entitled to rescind. This appears clear enough; but so much have purchasers relied upon the favour of equity that they have tried to shew that the vendor cannot use it. It has been maintained that, where there was a provision for giving compensation, the purchaser could compel the vendor to complete upon such terms, and prevent him from exercising the right of rescission, though expressly reserved. Against such a contention *Mawson* v. *Fletcher* (L. R. 6 Ch. 91) is conclusive, and the existence of this condition would have decided the principal case apart from other grounds. At the same time it is a condition which puts great power over the contract into the vendor's hands, and the court will watch him jealously to see that he does not abuse it. It is indeed a condition that it will strike out entirely, and in spite of which it will grant the purchaser specific performance, unless it is satisfied that the vendor has not only drawn up the conditions and entered upon the contract with perfect good faith, but has also, throughout the subsequent proceedings, performed all duties properly incumbent upon him as vendor, and abstained from making a hasty or capricious use of it.

We have thus gone through the chief points that arise on the construction and enforcement of conditions of sale, and have attempted to justify the theory with which we started. However the law may be laid down now, there is every reason to believe that before the courts of equity had learnt to discriminate nicely between the law they enforced and the means of enforcing it, they spoke and acted as though they applied rules of construction of greater latitude than those used at law. It is possible, nevertheless, to account for much that they did by saying that it resulted from a discretionary use of the remedy. Now that law and equity are fused it is only the remedy that remains in their power, and the old traditions of the courts as to interference with conditions of sale can be carried on by this means only. It is not surprising then that those traditions should be changing, and the interference growing less. We have already remarked that the general tendency to freedom of contract acts in the same direction. The old notion was that it was the duty of equity to protect purchasers; the modern is that purchasers are quite capable of protecting themselves. It is assumed, of course, that there is good faith on the part of the vendor; but this is an essential element in the validity of all contracts. Hence we may anticipate that the special remedy of the Court of Chancery will be applied less and less in the traditional manner to protect purchasers, and more and more, like all legal remedies, upon the sole condition of good faith on the part of both parties. The immediate practical result is that, by virtue of the principal case, it will in future be much safer to assume that conditions of sale will be held to mean what they say, and that purchasers will get little consolation in the Chancery Division if they run into improvident contracts with their eyes open.

CONCERNING SEARCHES.

(X.) BANKRUPTCIES.

Repealed Acts.

It appears unnecessary to consider the law of bankruptcy prior to the 12th of October, 1849, on which day "The Bankrupt Law Consolidation Act," 1849 (12 & 13 Vict. c. 106), came into operation. The Act only applied to traders as defined by section 65. The effect of adjudication was to vest in the assignees for the time being (section 141) all the personal estate, and (section 142) all the real estate, except copyholds, belonging to the bankrupt at the time of the act of bankruptcy on which the adjudication was founded, or acquired subsequently by him before obtaining his certificate, together with (section 147) the right of exercising all powers that the bankrupt might legally exercise for his own benefit except the right of nomination to an ecclesiastical benefice. The court had power (sections 209 and 210) to sell and convey the bankrupt's copyholds by deed inrolled in the court of the manor. The certificate of conformity (section 200) discharged the bankrupt from all debts due at the commencement, or provable under, the bankruptcy.

By "The Bankruptcy and Insolvency Act," 1861, s. 70, non-traders were made liable to the bankruptcy laws. Under this Act (section 114) the court had power to sell and make a vesting order as to copyholds.

The Bankrupt Law Consolidation Act, 1849, and the Bank-

ruptcy Act, 1861, were repealed as from the 1st of January, 1870, by the Bankruptcy Repeal and Insolvent Court Act, 1869 (32 & 33 Vict. c. 83), s. 20.

THE BANKRUPTCY ACTS, 1869, 1883.

The existing law of bankruptcy is contained in the Bankruptcy Act, 1869 (32 & 33 Vict. c. 71) and the Bankruptcy Act, 1883 (46 & 47 Vict. c. 52). On adjudication the property belonging to the bankrupt at the time of the act of bankruptcy on which the adjudication is founded (see the Act of 1869, s. 11), or acquired by him during the continuance of the bankruptcy prior to his discharge (*Ebbs* v. *Bulnois*, 23 W. R. 820, L. R. 10 Ch. 479), vests in the registrar, and on the appointment of a trustee it vests in him (section 17). On the other hand, property acquired by an undischarged bankrupt after the close of the bankruptcy belongs to him (*Re Pettit's Estate*, L. R. 1 Ch. D. 478). The trustee can deal with copyholds as if they had been surrendered to such uses as he should appoint (section 22). He can also exercise all such powers over property as might have been exercised by the bankrupt for his own benefit, except the bankrupt is a married woman (*Re Armstrong*, L. R. 17 Q. B. D. 167, reversed by the Court of Appeal, 30 SOLICITORS' JOURNAL, 587). The bankruptcy is closed by order of the court (section 47), but the position of the bankrupt is different in bankruptcies under the two Acts.

In bankruptcies falling under the Act of 1869 (section 49), the bankrupt, if he obtains an order of discharge, is released from all debts provable under the bankruptcy, with certain exceptions. A bankrupt who has not obtained an order of discharge (section 54) may entitle himself to receive one by paying, within three years from the close of the bankruptcy, such a sum as, with the dividends paid during the bankruptcy, makes up 10s. in the pound. On the other hand, if he does not obtain an order of discharge within three years from the close of the bankruptcy, any balance remaining unpaid of debts proved in the bankruptcy is to be deemed a judgment debt to be enforced against his property only with the sanction of the court.

Where the bankruptcy is under the Act of 1883, which came into operation after 1883, the discharge may be granted at any time after adjudication (section 28); but the court may, as part of the terms of such discharge, require the bankrupt to consent to judgment being entered up against him by the official receiver or trustee for any balance of debts provable under the bankruptcy and not satisfied at his discharge, but no execution can be issued on such judgment without the leave of the court.

PROPERTY OF BANKRUPT.

It appears to be convenient to recapitulate shortly the position of the bankrupt as to property belonging to or acquired by him. All the property acquired by a bankrupt, under the Acts of 1849 or 1861, before he obtains his certificate, belongs to his assignees. On the other hand, property acquired by an undischarged bankrupt, under the Acts of 1869 or 1883, after the close of the bankruptcy, belongs to him. A bankrupt who has obtained his certificate under the Acts of 1849 or 1861 is absolutely free from debts provable under the bankruptcy, but a bankrupt who has obtained his discharge under the Acts of 1869 or 1883 may be liable to the statutory judgment debts above mentioned.

It should, perhaps, be added that both the Acts of 1849 and 1869 contain provisions for the protection of a *bonâ fide* purchaser after, and without notice of, the act of bankruptcy and before adjudication.

In theory every past owner of property should be searched against for bankruptcies, as it is possible that a person who was bankrupt under the Act of 1849 never obtained his certificate; but in practice this is never done, and the searches are confined to five years, extending backward from the completion of the purchase, unless there are circumstances of suspicion. Where the purchaser knows that the vendor, or anyone through whom he claims, has been a bankrupt, the proceedings in bankruptcy should be inspected, as they may lead to the discovery of a judgment debt, and to execution on the same. There are no means of making an official search for bankruptcies.

CREDITORS' DEEDS—LIQUIDATION—COMPOSITION.

Trust deeds for the benefit of creditors', composition and inspectorship deeds, made pursuant to the Bankruptcy and Insolvency Act, 1861 (24 & 25 Vict. c. 134), s. 192, *et seq.*, required registration in bankruptcy; they had the effect of an adjudication in bankruptcy against the debtor. These deeds were put a stop to after 1869 by the Bankruptcy Repeal and Insolvent Court Act, 1869 (32 & 33 Vict. c. 83), s. 20. Much information on this subject will be found in De Gex & Smith's "Arrangements between Debtors and Creditors."

Under the Bankruptcy Act, 1869 (32 & 33 Vict. c. 71), s. 125, a resolution for liquidation by arrangement may be made. This requires registration in bankruptcy. The effect is practically the same as if the debtor had become bankrupt, with certain exceptions, the principal of which are that the close of the liquidation is fixed and the discharge of the debtor granted by a special resolution of the creditors. The same Act provides (section 126) for the acceptance of a composition by the creditors without proceeding in bankruptcy. This is effected by means of a resolution registered in bankruptcy.

Creditors' trust deeds, proceedings in liquidation, and compositions with creditors will be found by making the searches for bankruptcies.

REVIEWS.

ECCLESIASTICAL LAW.

A PRACTICAL TREATISE ON THE LAW RELATING TO THE CHURCH AND CLERGY. By HENRY WILLIAM CRIPPS, Q.C., Chancellor of the Diocese of Oxford. SIXTH EDITION. By C. A. CRIPPS, Barrister-at-Law. H. Sweet & Sons.

The circumstance that this work was originally designed, not merely as a manual for the lawyer, but also as a practical guide to the clergy, explains the appearance in it of a good deal of matter of no great value to the former class. But from some considerable acquaintance with the last edition we are able to testify to the conciseness, accuracy, and practical value of the portions of the book which are meant for the lawyer. The last edition was published in 1869, and in the interval there has occurred much legislation on ecclesiastical matters. One of the most practically important statutes is the Ecclesiastical Dilapidations Act, 1871, of which a full abstract is given at pp. 273—283, together with brief, but clear and intelligent, statements of the effect of the few reported cases on the Act. We should imagine, however, that both the clergy and their legal advisers would have welcomed some practical suggestions as to the course to be pursued on proceedings under the Act—for instance, supposing the diocesan surveyor to have reported that repairs are needed, an indication of the grounds of fact or law on which objections can be reasonably made by the incumbent; of the mode of application to the Governors of Queen Anne's Bounty for an advance to meet the cost of the works, and of the information which is required by the governors before making such advance. The provisions of the Incumbents' Resignation Act, 1871, are similarly stated without comment at pp. 555—558, and the provisions of the Burial Laws Amendment Act, 1880, at pp. 659—661. As regards both these Acts, we think that suggestions might have been usefully made on difficulties likely to occur.

Most of the reported decisions on ecclesiastical law since the last edition appear to be satisfactorily stated, but we miss some important cases. Thus, to take the reported decisions of a single year, we do not find any notice of the decision of the Judicial Committee in *Lee* v. *Fagg and Mummery* (22 W. R. 902, L. R. 6 P. C. 38), that the promovent of a civil suit in an ecclesiastical court must have an interest in the subject-matter of the suit, and that such interest must appear upon the monition. Nor do we find any reference to *Ex parte Edwards* (L. R. 9 Ch. 138), in which Bacon, V.C., and afterwards the Appeal Court, refused an application for a prohibition to the Bishop of Gloucester to prevent a commission from being issued to inquire into charges of ritualistic practices.

We think, moreover, that the editor might have usefully supplemented the reported decisions with notes upon the more important unreported cases which have occurred. As an instance we may mention the dispute which arose in 1873 between the then Bishop of Durham and Dr. Dykes as to licensing a curate, in which Dr. Dykes was advised by Lord Coleridge (then Attorney-General), Dr. Stephens, and the present Lord Justice Bowen that the bishop had no right to insist upon the pledges which he demanded from the curate, and that the Court of Queen's Bench would grant a *mandamus* to compel the bishop to license the curate. Application was accordingly made for a *mandamus* in January, 1874, but the court declined to grant the application unless authority could be found, and the case was postponed to enable Dr. Stephens to produce authorities. As we can

find no reference to the case in the current series of reports, we conclude that the application was never renewed, but surely the point involved was of sufficient importance to call for notice of the case in a work on ecclesiastical law.

CORRESPONDENCE.

TRACINGS OF PLANS TO ACCOMPANY ABSTRACT.

[*To the Editor of the Solicitors' Journal.*]

Sir,—With regard to the latter part of your interesting article (No. 2) on "The Construction of Conditions of Sale," could you kindly touch or give an opinion on the point whether an abstract which does not include copies of the plans on the abstracted deeds can be deemed "a perfect abstract"?

In a recent purchase, in reply to my requisition for copies of the plans, the answer was that they were no part of the abstract, and that they could be furnished at the purchaser's expense, and this although the deeds were actually in the vendor's possession.

In another instance, where the copy plans were supplied on requisition without demur (which seems to be the usual practice), they disclosed a defect which could not have been discovered from the description in the parcels. G.

Oct. 11.

[The point mentioned by our correspondent hardly falls within the scope of our articles, which are not intended as an exhaustive discussion of the construction of conditions of sale, but only as a suggestion of the effect on certain conditions of the rule established by *Terry and White's Contract* (34 W. R. 379). We think, however, that there can be no doubt as to the point mentioned by our correspondent. It is a matter of everyday practice to require tracings at the vendor's expense of plans referred to in the abstract, and we have never known, or heard of, an objection being raised to furnishing them at the vendor's cost until our correspondent's letter reached us. There is, it is true, a decision at law, many years ago (*Blackburn* v. *Smith*, 2 Ex. 783), in which it seems to have been held that it was sufficient that the abstract should refer to, without containing copies of, plans indorsed on the deeds, and in that case (p. 792) Parke, B., said "we are not aware that a map or plan is ever deemed to be necessary as a part of an abstract." But, as Mr. Dart points out (1 V. & P. 303), "this can scarcely be so in cases where, as now often happens, a deed contains no substantive description of the property, but conveys it either merely, or as respects its details, by reference to the plan. According to present practice, a plan is generally employed, if not to define, at any rate to elucidate, the description of the parcels; a tracing of it, when not sent with the abstract, is usually furnished upon the purchaser's request; *and may, it is conceived, in most cases be insisted on.*" We may add that it is obvious in the cases referred to by Mr. Dart, that an abstract without tracings of the plans does not contain "with sufficient clearness and fulness the effect of every instrument constituting the title of the vendor," within the definition of "a perfect abstract" given by Kindersley, V.C., in *Oakden* v. *Pike* (13 W. R. 673).—Ed. *S. J.*]

CONCERNING SEARCHES.

[*To the Editor of the Solicitors' Journal.*]

Sir,—I am glad to see a suggestion that your articles on this subject should be published in book form, and hope you will be able to act upon it. Having myself long ago felt the want of some such work, and having some time since raised in your columns the question of searches, with which now you are so exhaustively dealing, I think it would be a boon to have the articles reproduced in a convenient form for reference.

I should like also to make an additional suggestion, though possibly it is already embraced in your scheme—namely, that the general result of the articles should be summarized in a concluding chapter, so as to briefly indicate what searches a solicitor is legally liable to make as the law now stands, and what may be regarded as so essential as to be made in any case, the remainder being such as the client might reasonably waive. Certainly few ordinary purchases would justify the expense of dealing with all the matters your research has brought to light (of the existence of which, I imagine, the majority of your readers have not hitherto been aware), and I hope with you the result may be to bring about a much needed reform.

Meanwhile, it seems essential for solicitors, in order to protect themselves from personal liability, to write their client in each case, pointing out briefly the various searches which ought to be made, and the risk of dispensing with them, and leaving him to decide whether or not he will incur the expense of making them.

Conveyancer.

[Our correspondent's suggestion has always formed part of the scheme of the articles, but the consideration of each kind of charge separately seemed to be an essential groundwork for the practical question, what searches must be made?—Ed. *S. J.*]

WHAT IS AN EXHIBIT?

[*To the Editor of the Solicitors' Journal.*]

Sir,—It appears to me that this question can be answered shortly as follows:—

Any document mentioned or referred to in an affidavit *and required to be identified by the commissioner* is an exhibit, and should be paid for as such. The mode of identification is immaterial so long as the document is made evidence. J. H.

CHARGES UNDER THE SEWERS AMENDMENT ACT.

[*To the Editor of the Solicitors' Journal.*]

Sir,—Can any of your correspondents inform me what is the form of registry of charges under the Sewers Amendment Act (3 & 4 Will. 4, c. 22, s. 41)?

Are such charges registered against the landowner, or against the lands in a certain district? Z.

SOCIETIES.

THE INCORPORATED LAW SOCIETY.

Provincial Meeting.

The present being the centenary year of the Yorkshire Incorporated Law Society, the Incorporated Law Society, in response to the invitation given to them last year, held their provincial meeting in that city. The proceedings commenced on Tuesday, when the Lord Mayor of York (Mr. Alderman Terry) welcomed the society, referring with pleasure to the fact that Mr. H. W. Parker, the president, first saw the light within the ancient walls of the city.

President's Address.

The President then took the chair and delivered the following address:—

Land Law Reform.

The session of Parliament for the present year has so far produced but little change in our law. The Guardianship of Infants Bill, which was introduced into the last session, and one or two other measures to which attention will presently be directed, have been passed, but the Irish question and the dissolution and general election have rendered it impracticable for the Legislature to consider and deal with many important measures which were introduced early in the year, and which will have to be dealt with in the next session. Foremost of all these measures will be the question of the reform of our land laws. The Leader of the Government in the House of Commons has very recently announced that it is the intention of the Lord Chancellor to introduce next session a measure "which will have for its object the cheapening of the cost and the increasing of facilities for the transfer of land," and the Chancellor of the Exchequer goes on to state that, "should it be successful in attaining that object, it would doubtless facilitate the acquirement of land by those to whom the legal costs have hitherto been an impediment." This evidently points to the cottager and agricultural labourer. I may remark, by the way, that experience tells us that it is not the cost of transfer which operates as an impediment to the acquisition of land by this class, but the want of means. A cottager with the means may, under our present law as altered by the recent statutory Remuneration Order, invest any sum under £100 in acquiring land at a cost which, so far as legal expenses are concerned, is limited by law to £3, and he may invest in like manner any sum from £100 to £300 at a cost limited by law to £5. It can, therefore, hardly be said that the legal costs of transfer operate as an impediment to the acquisition of land by the class referred to, and it may be doubted whether any scheme of registration to be proposed by the Government can further reduce this cost. However, in some form or other, legislation on this important matter is imminent, and a few observations on the subject may not be inopportune. Since we met last year at Liverpool valuable contributions have been made to the literature on the subject. At the close of the year our council issued a statement on land law reform which has been circulated among the members and has also been published. In the present year the Bar Committee issued a very carefully prepared pamphlet on Land Transfer, in which the opinion is expressed "that registration, in some form or another, enters into nearly every scheme which has recently been advocated for the reform of the land laws." Now, whether the simplification of our real property system is to take the form of registration of assurances or of registration of title is an open question; but it is submitted that, whichever mode be adopted, the process would be much simplified and the ground properly prepared if we commenced the simplification by abolishing the technicalities of real property law and assimilating the law of realty to that of personalty, thus making an

end of the doctrines of "uses" and "estates" and all the other artificial technicalities of the law of real property which have their foundation in the feudal system and need no longer be perpetuated. The mere transfer of property has, no doubt, by successive changes and amendments in our law, been reduced to a comparatively simple operation; but it is the technicality of the law of real property and the deduction of title according to artificial standards which is objectionable and of which everybody complains. The real wealth of the country consists of personal property which far exceeds the value of real estate. The law with respect to personal property is simple, and, for the most part, intelligible to non-legal minds; but the law of real property still remains a sealed book to those who are outside the profession of the law, and it is surrounded by such a mass of antiquated and needless technicality that the lay mind may well revolt against the continuance of the law in its present state. [The President then sketched the origin and development of our present system of real property law, and continued:—] Can it be seriously contended that such an artificial and technical system should any longer be tolerated when we are considering and dealing with the question of the simplification of the law of real property? It will be said, no doubt, that by the successive reforms which real property law has undergone during the last fifty years and notably in the last decade, conveyancing and the law of real property have been rendered as simple as they can be. It is true that much has been done in that direction, if we are to be content with modifying the perplexities and anomalies arising out of the rules of tenure and the subtleties which were invented to circumvent them; but the mischief appears to be too deeply seated for palliatives merely and requires the application of the knife to eradicate the mischief which subjects all land to the yoke of tenure. There is in these days no such utility in the system which can justify its retention. [After referring to the law as to contingent remainders as an example of the "palliative system," and to the doctrine of subinfeudation as an example of the artificial state of our law as depending upon tenure, the President said:—] The examples given above are surely enough to satisfy us that in these enlightened days of the nineteenth century the time has arrived when, if we are to simplify our real property law, all such artificial distinctions should be swept away and the law of realty be assimilated to the law of personalty. The Bar pamphlet already alluded to points to legislation in this direction in the following passage (p. 92):—"It would also be possible to effect a considerable simplification both in the law of property and (by consequence, in the practice of conveyancing) by promoting measures for more closely assimilating the law applicable to real property to the law applicable to personal property. The historical reasons upon which the wide distinctions between these two systems of law were once grounded have for centuries ceased to have any weight." Now, the law as to personalty practically admits of all the modes of disposition which are in use with respect to realty. Leaseholds are personal estate, but they are commonly settled upon trusts corresponding to the uses of the settled realty, and these limitations practically accomplish, with respect to leaseholds, all that can be desired with respect to realty, and stocks and funds and personal estate generally may be settled in like manner. We are told by a learned writer on this subject that the "law as to personal property as it now stands is just as favourable to the preservation of important establishments and to making provision for unborn children as the law as to real property, and it is free from the objections of technicality and mystery to which the law of real property is open." Of course, the assimilation of the law of real property to that of personalty would put an end to primogeniture; but this would be no hardship. The owner of a real estate who desires that his eldest son should possess it, to the exclusion of his other children, need only make a will to carry out his desire; and it will be the consequence of his own neglect if, by dying intestate, his estate is divided among his children equally, just as it is now the result of his own neglect if, by dying intestate, his real estate goes—contrary to his wish—to the eldest son, to the exclusion of his other children. To suggest a scheme for effecting the necessary reform in the direction advocated would occupy much more space than could be afforded within the limits of an address. In assimilating the law of realty to that of personalty it would, no doubt, be necessary to preserve so much of the law relating to realty as arises out of its immoveable character, and from the fact that the possession and the ownership are generally distinct; but the modifications necessary would be exceptions only to the general law of personal property, and the detail of these modifications would be readily contrived by the ingenuity of conveyancers. If the fundamental alteration in our law thus advocated were made, then (to use the words of Mr. Justice Stephen, writing on this subject) "simplicity would be substituted for intricacy and light for darkness in this great department of law, and thus all which is artificial and technical in conveyancing would be swept away." No doubt we should part from our antique learning and venerable methods with regret. No one who has drunk from the fountains of real property law as contained in "Littleton's Tenures," with Butler and Hargreaves' Notes, "Shepherd's Touchstone," "Sanders on Uses," "Fearnes' Contingent Remainders," and "Sugden on Powers," and who has revelled in the artificial and paradoxical learning which they contain, can contemplate, without a feeling of sadness, the breaking up of the idols he once worshipped; but, if ever the law of real property is to be radically and properly reformed, the sacrifice should be made, and we must commence by a jettison of the fiction of tenure and estates and all the resulting doctrine of uses, and give to the law of realty the simplicity of that of personalty. Let us hope that, when the threatened reform of our land laws is taken in hand, the alterations and amendments to be made will be comprehensive and complete, and be a final settlement of the protracted question of the amendment of our real property law. It is hardly necessary to add that the views thus advanced are those of an individual member of our society only, and that the council over which I have the honour to preside for the year are in no way party or privy to their expression.

Guardianship of Infants.

I will now refer to one or two of the measures of legal reform which have been accomplished in the late session. The Act to amend the law relating to the guardianship and custody of infants, to which reference was made in the address of the president at Liverpool last year, has now received the Royal assent. It is one of the most important Acts of the session, and effects a very just reform in the law which has hitherto practically excluded a mother from the exercise of guardianship rights over her children unless appointed testamentary guardian by the father. Under the old law it was no uncommon practice for a father, without any sufficient cause and from mere caprice, to depute the guardianship of his children to relatives or strangers, who in many cases most unjustly and tyrannically exercised their rights in opposition to the well-considered and judicious views of the mother. Now the mother, if she survive her husband, is by statute made the guardian of her infant children, either alone where no guardian has been appointed by the father, or jointly with any guardian appointed by the father; and the mother of any infant may by deed or will appoint any person to be guardian of her infant children after the death of herself and the father to act jointly with the guardians (if any) appointed by the father. The mother of any infant may by deed or will provisionally nominate a guardian to act after her death jointly with the father, and the court after her death may confirm the appointment, if it be shewn to the satisfaction of the court that the father is unfitted to be the sole guardian. Further, the court is empowered, upon the application of the mother, to make such order as it may think fit regarding the custody of an infant, and the right of access thereto of either parent, having regard to the welfare of the infant, and to the conduct of the parents, and to the wishes as well of the mother as of the father. These wise and beneficent provisions give to the wife her proper position and influence with regard to her children, and will go far to protect her against the churlish indifference to her affectionate solicitude for her children which we sometimes see displayed by an ill-conditioned and overbearing father. It is worthy of consideration, in connection with this subject of guardianship and nurture, whether the present law, which holds as invalid all pre-nuptial contracts with respect to the children of a marriage being brought up in the religion of the mother, is all that it should be. As the law stands, any contract by the father, although entered into before marriage, with respect to the religion in which the children of the marriage are to be brought up, is null and void, and the court holds that the children must be brought up in the religion of the father. In a leading and comparatively recent case on this subject, where the husband disregarded and set at nought a pre-nuptial agreement that the children should be brought up in the religion of the mother, a distinguished Irish Lord Chancellor said he could "hardly avoid a feeling of natural regret that an engagement so solemn, so openly avowed, so strengthened by repetition, so confirmed by the consecration of the grave," should have been disregarded; but he was compelled to hold in accordance with the law which enabled the husband to set at nought the pre-nuptial engagement entered into. Surely, as the different forms of religious belief are tolerated by the law, there can be no injustice or impropriety in requiring a husband to regard a deliberate and solemn engagement entered into as a condition of the marriage that the children should be brought up in the religion of the mother. The question is one which affects all religions alike, and, as the law stands, a mother may be wounded in her most hallowed instincts by being forced to see her children brought up in a faith which is not hers, notwithstanding a solemn engagement before marriage that the children should be brought up in her own religion. Such a law seems utterly to disregard the sanctity of marriage contracts, and would seem to require revision. The Chancery Division might well be empowered in giving directions as to the education and bringing up of wards to have regard to any pre-nuptial contract by the father as to the religion of children of the marriage.

Married Women's Act, 1886.

Another most important Act in favour of a wife, which has been passed in the present session is the Married Women's (Maintenance in case of Desertion) Act. Under the old law, a married woman deserted by her husband could only force him to contribute to her maintenance by becoming chargeable to the parish, and accepting pauper relief, the parish authorities having the power to recover from the husband the amount of relief expended; but the wife had no direct right to recover maintenance from a husband who deserted her. This Act saves the wife from the degrading necessity of applying for parochial relief, and gives to magistrates, on the application of the wife, power to order the husband to pay a weekly sum for the support of herself and family. This measure will be found in practice to be an extremely beneficial one.

The Preliminary Examination.

Considerable discussion has recently taken place in our society with respect to the preliminary examinations as instituted by the council, and there appears to be a widely-expressed feeling that the standard of these examinations should be raised. Some members of the society have expressed the desire that our preliminary examinations should be assimilated to the matriculation examination of the London University. That examination extends to subjects which do not necessarily form the subject of a liberal education—such, for example, as chemistry and natural philosophy, including mechanics, hydrostatics, hydraulics, pneumatics, optics, and heat, and a candidate must pass in all the subjects. The matriculation examination of the London University is much wider in its

range than the matriculation examinations at Oxford and Cambridge, and it seems to embrace a wider field than is necessary for our preliminary examinations. Some misapprehension appears to prevail with respect to that passage in the society's report for the present year which deals with this subject. The council have every desire to improve as much as possible the character of the preliminary examination; but they do not, at present, see their way to require candidates to pass an examination equivalent in range and severity to the matriculation examination of the London University. It is important, in considering this question, that regard should be had to the fact that the council have not a free hand in the matter. By the Solicitors Act, the certificates of certain examining bodies dispense with the preliminary examinations as instituted by the council, and in some of these cases the standard is lower than that which the council at present prescribes. The council have on many occasions been importuned to admit the certificates of other educational bodies, as dispensing with their preliminary examination, but they have, in all cases where they found that the standard was lower than that of their own examinations, declined the application. It must be borne in mind that one effect of raising the standard of the present examinations in the direction suggested might be very prejudicial to the interests of this society, as it might drive candidates to resort to the easier pass examinations of other educational bodies, which, under the terms of the Act, dispenses with the society's preliminary examination. Again, it must be borne in mind that the judges have a dispensing power in all cases. This power was at one time very extensively exercised, and although, in these days, the judges refer to the council before exercising their dispensing power, it would be open to them to disregard the requirements of the council if they considered that our preliminary examinations were needlessly strict, and in fact the disposition of the judges has been to consider that the council were somewhat severe. It is clear, therefore, that the matter cannot be effectually dealt with in the direction indicated without obtaining an alteration of the existing law, which provides legislative substitutes for the society's pass; and whether such legislation is practicable or not may be open to doubt. The subject of our preliminary examinations was some time since referred by the council to the Examination Committee, and is still under consideration; and it is not likely that the council will in this matter abandon the policy which they have throughout pursued of promoting to the utmost measures for elevating the standard and tone of our profession, and cultivating and maintaining its position as a learned and honourable one.

Refreshers.

The profession have been much exercised by a recent decision with respect to the fees paid to counsel by way of refreshers. I refer to the case of *Re Harrison*, as decided by the late Mr. Justice Pearson, and confirmed, with a slight variation, in the Court of Appeal on the 27th of May last [*ante*, p. 503]. The effect of the decision is that any refreshers given to leading counsel beyond the ten guineas prescribed by the rules are not recoverable from the client unless the solicitor had the authority of the client to give fees in excess. According to the decision referred to, the solicitor must fully explain to his client that such payment constitutes an unusual and extraordinary expense which will not be allowed on taxation between party and party, and that consequently the client, even if he is successful, will, if he sanctions it, have to pay the excess out of his own pocket, and he with this knowledge has sanctioned the payment of larger fees. This is a question, not of costs on taxation between party and party, but of costs as between solicitor and client. The strictness of the rule seems to require relaxation, and that, as between solicitor and client, refreshers should be left to the discretion of the solicitor, always subject to his exercising that discretion properly. It was admitted by Mr. Justice Pearson in the case referred to that, if his hands had not been tied by the rule, he should have allowed larger refresher fees. We all know that, in the conduct of a heavy case, the question of refreshers is one which considerably exercises the mind of the practitioner, and he has to arrange and agree with the barrister's clerk as to the amount of refresher, and probably this has to be done at the very moment when the case has entered on a second day. In many cases the client is not present, and there are no means of communicating with him; and yet, in the best interests of his client, and to secure the services of the counsel of the client's selection, the refresher has to be fixed and settled by the solicitor, and thereupon he becomes liable to the counsel. The solicitor has no pecuniary interest to serve in the adjustment of refreshers, and he acts in the matter for the benefit of his client; and it seems to be a hardship in the highest degree that a solicitor, having paid a refresher exceeding the ten guineas prescribed by the rule in order to secure that his counsel shall proceed with the case, should find himself unable to recover it from his client for the reason that the client had not expressed his assent to it. "The fees marked on the brief, the number of consultations held, the number of opinions taken, the witnesses subpœnaed, and a variety of other items of expenditure are left to the discretion of the solicitor, subject to the decision of the taxing master as to whether or not the discretion has been rightly exercised, and it is difficult to understand why a rigid and exceptional rule should be applied to refreshers, the proper amounts of which must often vary from circumstances which could not have been foreseen." The council are now taking active steps to get the rule relaxed as between solicitor and client. I cannot conclude these remarks on the subject of refreshers without referring to the observations of Lord Justice Cotton with respect to the refreshers paid to the counsel in the case other than the leading counsel. In accordance with the prevailing practice, the refreshers paid to the other counsel had been fixed in proportion to those paid to the leading counsel. His lordship observes as follows:—"The further question arose whether the solicitor had any authority to pay special refresher fees to the other counsel engaged in the case. It was said that there was a rule that the fees paid to junior counsel always bore a certain proportion to the fees paid to the leaders. No doubt that was the rule where the leading counsel had the ordinary fees only, but he doubted whether that rule had any application where the leader received special fees." The practice to regulate the fees payable to junior counsel by the amount paid to the leading counsel, in cases where those fees are special fees, certainly exists, notwithstanding the doubts expressed by the learned judge, and it is a practice which in many cases involves considerable hardship; and it is worthy of consideration whether, by concert with the bar, some modification of the existing practice might not be arranged in the direction indicated by his lordship's observations.

The Bankruptcy Act, 1883.

We have now had nearly three years' experience of the new Bankruptcy Act, and a few observations upon the working of the Act may not be inappropriate. One of the objections alleged to the present system is, the unnecessary amount of officialism which has been introduced, more particularly in the earlier stages of a bankruptcy, and the delay and expense which result. From the moment that a receiving order is made and until a trustee is appointed (which often involves an interval of many weeks, sometimes months), the creditors have practically no voice in the administration of the estate, and are left in the dark as to what is being done. It is plain that the intention of the Legislature was that the creditors should be consulted at the earliest possible moment, and that official receivers should not unnecessarily interfere in the realization of the assets; but the provisions of the Act requiring the first meeting to be held within fourteen days of the receiving order are ignored, long delays take place, and creditors often find, when at last they meet, that, without their knowledge or consent, important sales have been made by the official receiver, and thereby the state of things has been so altered that the debtor is hampered and hindered in making a satisfactory proposal to his creditors, and in many cases the condition of the debtor's affairs has been seriously prejudiced. The requirements of the Act as to the immediate filing of his statement of affairs by a debtor, and promptness in calling the creditors together, should be rigidly enforced, and the present lax and unsatisfactory practice abandoned. No good results from the disregard of these provisions of the Act, and great mischief often ensues. Realization (as distinguished from investigation of the debtor's conduct, and the very necessary and salutary provisions of the Act with respect to audit and supervision) does not appear to come within the scope of official duties as contemplated by the Legislature. Departure from the provisions of the Act in these respects largely increases the very heavy official expenses without any corresponding advantage to creditors. The power given to official receivers (not to the court) to appoint a special manager, pending the appointment of a trustee, is grudgingly exercised, the wishes of creditors on the subject being often ignored, the estate meantime remaining in the control of the official receiver, and thus subjected to the heavy deduction for commission chargeable under the rules on money got in by that officer. The remedy for these complaints would be found in a stricter observance of the spirit and letter of the Act and Rules. If a scheme of arrangement or a composition be entertained by the creditors, the long and wholly unnecessary delay which takes place is another frequent cause of complaint. Three months will probably elapse between the receiving order and the confirmation of the arrangement by the court, and meantime matters drift on to the disadvantage of creditors. The practice as to composition and arrangement is most cumbersome, and can readily be altered without in any way affecting the essential provisions of the Act. There has been a tendency to avoid bankruptcy, and a desire both on the part of debtors and creditors to come to a private arrangement either by means of composition or assignment or winding up under inspection. These arrangements are very extensively resorted to. The hard and fast lines of the Act, which, in the matter of public examination and the like, apply with equal stringency to the honest and dishonest debtor, and the unnecessary officialism and the delays to which I have referred, foster and promote the tendency to keep failed estates out of the Bankruptcy Court. These private arrangements, though in many cases beneficial, are open to objection. The arrangement, to be effective, must be assented to by *all* the creditors. Unanimity being requisite, it is generally found that advantage of this is taken by some outsider for his own purposes, and without regard to the general interests and views of the creditors. The debtor is harassed by legal proceedings, and bills of costs are run up in the hope that some friend of the debtor or some of the larger creditors will buy off the opposition. Cases occur in practice where, upon a sound estimate of a debtor's position, he is practically solvent, but for the moment it is found that he is unable to meet his engagements. Nine-tenths of the creditors would probably consent to carry on the concern under private supervision, knowing that, if the assets are realized in a prudent and gradual course of liquidation, their debts will be paid in full; but one unwilling creditor stands out and either drives the debtor into bankruptcy or obtains a judgment and issues execution, and then all chance of realizing the estate in the best interests of the creditors is gone. No doubt there are difficulties and abuses to be guarded against in providing that any given majority of the creditors in number and value should bind the minority by a private arrangement, but it is believed that it is to the interest of creditors that there should be some conditions under which assignments, compositions, or inspectorships, assented to by a defined number of creditors, should, if *approved by the court*, be binding upon dissenting creditors, and take the place of bankruptcy proceedings. It is probable that no fundamental change in the Bankruptcy Act will be sanctioned by the Legislature for some years to come. Construction is more difficult than criticism, but it has been suggested that, without any violent departure from the lines of the present Act, and as meeting the objections urged as to private arrangements, the

law might be prudently amended by providing that the debtor should be empowered, with the assent of, say, three-fourths of his creditors, to file a deed embodying the terms of the arrangement, and that opposing creditors (if any) should be called upon to establish their opposition by shewing that the proposed arrangement will either be less beneficial to the creditors than bankruptcy, or that the debtor's conduct has been such as to make it imperative, in the interests of commercial morality, to force him into public bankruptcy. By this means extortion by small dissentient creditors at the expense of the debtor or his estate would be at an end, while, on the other hand, there would be sufficient protection to creditors against improper arrangements. There are many minor subjects which will have to be dealt with when the Act comes to be reconsidered. I may shortly refer to one or two which have assumed prominence. The law with respect to proxies calls for immediate remedy. The present law, which in effect provides that no creditor can be represented except by a clerk or person in his regular employment (unless he chooses to hand his interests over to the official receiver), operates most injuriously, and, in fact, excludes foreign creditors altogether from taking part at meetings of creditors; and, when it is considered how largely foreign bankers and others are holders of acceptances of English firms, it will be manifest that their exclusion from a voice in the administration of the affairs of the debtor is a flagrant wrong. The present obstructive regulations can readily be amended so as to bring them into accord with the practical wants of the business world without returning to the abuses of the proxy system under the Act of 1869. It has been said that the diminution in bankruptcy cases is in some measure attributable to the inadequate scale of professional charges. I do not think that any large number of cases can have been influenced by this consideration alone. But upon this subject of scale it is known that the council have been moving for some time past to get an improved scale, and one of the last acts of Lord Herschell on retiring from the Chancellorship was to sanction a scale, which has been approved by the Board of Trade and is now published, and which provides a remuneration which is a very considerable improvement upon the existing scale, and, in fact, upon any scale hitherto in use in bankruptcy. This matter is referred to in the annual report just issued of the Board of Trade, "of all matters judicial and financial" within the Bankruptcy Act, 1883, and signed by Mr. Calcraft, the Permanent Secretary to the Board; and he expresses his acknowledgments "for the assistance and co-operation afforded by the Incorporated Law Society to the Board of Trade as to the revised scale of solicitors' costs, which was a subject of considerable difficulty and delicacy." If it should be said that the diminution in bankruptcy business has been in any way due to the scale of charges, that cause no longer exists. The council in this matter have had the able assistance of Mr. Baker (of the firm of Lawrence, Baker, & Waldron), who was nominated by the council in response to a request by the then Lord Chancellor (Lord Selborne) that a member of the profession should assist in the settlement of the new scale; and the satisfactory conclusion arrived at is mainly due to the unremitting and able attention which Mr. Baker has given to the subject, and to the consideration and courtesy shown by Mr. Murton, the solicitor to the Board of Trade, in dealing with the matter in his official capacity. This scale has been laid before Parliament, and will come into operation on the 24th of October. In connection with this subject of bankruptcy I would desire to call attention to that passage in the annual report of the council for the present year which refers to the question of bankruptcy searches, and the great expense and difficulty which attend them. The bar pamphlet, which has been referred to, offers the very valuable suggestion that the provisions of section 2 of the Conveyancing Act, 1882, which enables certificates to be obtained of the result of official searches relating to matters for which searches are made at the Central Office of the Supreme Court, should be extended to bankruptcy searches, or, as an alternative, that the right of a trustee in bankruptcy to claim against real estate should be assimilated to the right as against personal estate. It is very desirable that some action should be taken in the matter on the lines indicated. It connection with these observations on bankruptcy law, I desire to refer to the very able report of the special committee of the society, appointed by the council in 1884 to consider the working of the regulations under the Judicature and Bankruptcy Rules. The names of the gentlemen composing that committee are a guarantee that its work would be thorough and earnest; and the report contains most valuable observations with respect to our existing bankruptcy law and the working of the Rules, with suggestions for amendment. These are well worthy of careful consideration.

Mr. WALKER (President of the Yorkshire Society) said he had great pleasure in moving a vote of thanks to the president for the very valuable paper to which they had all listened, although he (Mr. Walker) must not be supposed to agree with it in every particular. With regard to land transfer, he thought that solicitors were the proper persons to instruct the Legislature as to what course should be adopted in any future legislation, and he urged that every endeavour should be made with this object. At present Acts were altered and amended again and again, and much confusion and expense was the result. The same course was adopted in the case of bankruptcy law, every Lord Chancellor thinking that he must amend the law of bankruptcy. Here again solicitors as a body should exert their influence.

Mr. G. B. GREGORY seconded the vote of thanks. A very large question had been opened up by the president in regard to the assimilation of the law of real and personal property, and it behoved the meeting to consider all that this involved, and all the results which might follow from legislation before they committed themselves entirely and unreservedly to that position. Then there was a question connected with the transfer of land in which he (Mr. Gregory) was much interested, and that was the registration of land either by the registration of securities or the registration of title. He had been a member of the committee which sat upon Mr. Osborne Morgan's Committee on Land Registration, and the question of registration affected the county of Yorkshire very considerably. He would be glad to hear from some of the members of the Yorkshire Society what had been the results of the Act which had been passed. With reference to the Bankruptcy Act, he had also been a member of the committee which considered that Act. He thought, with regard to the suggestion with reference to a general consent of creditors, that it might be a very dangerous question to open. It might be reverting to the old system and bringing back that evil which the Act was intended to put an end to. He had touched upon these matters in order that the meeting might not be considered to be pledged to all the proposals put forth in the address.

Mr. G. T. LEE spoke in support, but thought it a defect of the president's paper that it contained no recommendations. He would like to see the council take one side or the other. He was proceeding to speak further on the subject of real property when

The PRESIDENT called him to order.

The vote of thanks was carried unanimously.

The PRESIDENT explained that he was only expressing his own individual views in his paper, and did not intend to pledge the meeting in any way.

THE NEXT MEETING.

The PRESIDENT said it was usual at this period of the meeting to receive suggestions as to the place of meeting next year.

Mr. C. O. HUMPHREYS (London) moved that the next meeting should be held in the capital. Next year was the Queen's Jubilee year, and he thought that the usual course of holding these meetings in the provinces might be departed from on that occasion.

Mr. A. H. HASTIE (London) seconded the motion.

Mr. F. D. LOWNDES (Liverpool) observed that it was usual to hold a meeting in London in July. They might, therefore, hold one of these meetings in London as well as in the provinces.

Mr. W. SMITH (Sheffield) suggested Lancaster as a fitting town to follow York.

Mr. J. ANDERSON ROSE (London) thought the solicitors of London ought to extend to the country the same hospitality which had been given to them on so many occasions.

Mr. H. E. GRIBBLE (London) said it had always appeared to him that Londoners were much indebted to the country solicitors, and the entertainment should be given by the London solicitors.

The motion was unanimously agreed to.

Mr. C. H. STANTON (Newcastle-on-Tyne) tendered an invitation to the society to meet at Newcastle the following year.

The PRESIDENT: We will take a note of it.

LEGAL EDUCATION AND THE UNIVERSITIES.

Mr. F. P. MORRELL (Oxford) read a paper on this subject, in which he said, after referring to the past history of legal education: I have ventured thus briefly to allude to the past, and to a not inglorious record of work done for the good of our profession in exactly fifty years, the first public examination having been held in Michaelmas Term, 1836. But in the immediate present, and in the near future, what are we to do for our profession in respect of its legal education, and the mode of testing that education—its examinations? Surely not to merely rest on our oars and be thankful. You will all agree with me that this will never do. Every profession is pushing on, notably the doctors, who are to be found both among the teachers and the taught in every university, and who—I speak of them as a whole and not of individuals—are far more highly educated than they were fifty years ago. Yet solicitors are consulted in matters often as grave and as delicate as are the bodily concerns about which the doctors give advice. It will never do for us to fall behind them, and I do not for one moment fear that we shall do so. Much has been quite recently done; lectures on law and legal studies have been founded, and are, I hear, well attended in various large centres, such as Birmingham and Liverpool; but our efforts need concentration and diffusion too, if it is not a paradox to say so. We do not want the articled clerks in our large towns alone to be highly educated and well informed, but we want them to be so in our country towns also, and, indeed, everywhere. It was, no doubt, partly with these views that efforts have of late years been constantly made, with which we all heartily sympathize, to establish a law university; but it is not easy to found new institutions and to get new schemes into practical order and working shape. The law university may come, but its time is not yet. Meanwhile we have our old universities, and what life and vitality have they not shewn in the last fifty years? Can we not make more use of them? Ten years ago, in 1876, the late Mr. C. W. Lawrence read a most able paper on "University Education for Solicitors" at the successful meeting of the society held at Oxford, and he pointed out in eloquent terms the importance of an university education for a boy who is to be articled and become a solicitor. "If a boy (he said) leaves school at the age of sixteen or seventeen and becomes at once articled to a solicitor, the most fitting opportunity for the acquisition of general knowledge, and especially for maturing the knowledge, be it either classical, mathematical, or scientific which he has acquired at school, is lost, and the mind is likely to become too soon cramped by the exclusive study of law in connection with its practical office work." And Mr. Lawrence, with the same truth, added: "The universities provide not only excellent education during the critical period of life, between youth and manhood, but there is a society to be found there in which young men can associate with others of kindred taste and character, and are thus enabled to form friendships and connections which may prove of the greatest benefit in a future

professional career. Furthermore, at the university a man has the opportunity of acquiring self-knowledge and habits of intellectual exertion, which is lost to one who goes into the world at a schoolboy period of life." The truth of these words has been proved by the increased and increasing number of young men who constantly now come up to Oxford and Cambridge and take their degrees before being articled, but the number, though, as I have said, an increasing one, is not nearly so great as it might and ought to be. No doubt the main reasons are the loss of time and the expense, but these difficulties are now to a great extent likely to be solved if in some practical shape the ideas and wishes of the President of Trinity College, Oxford, should recommend themselves to you. The President of Trinity, Dr. Percival, formerly headmaster of Clifton College—one of our most successful public schools—in a paper (copies of which can be obtained from Mr. Williamson), proposed to the council the formation of a college or hall at Oxford for those who desire to enter at sixteen or seventeen, and take their B.A. degree at nineteen or twenty. I will not attempt to say in other words what Dr. Percival has so well said already, but I will venture to call your attention to what seems to me the most practical part of the scheme for us lawyers. First, the great saving of time—by beginning an university education at seventeen at the latest, often soon after sixteen. The degree, probably in the law school, would be obtained between nineteen and twenty, and the three years' articles would be served, and the clerk be admitted at between twenty-two and twenty-three, only *one* year later than would be the case without the advantage of a degree. Dr. Percival in his paper puts this very forcibly when he says:—"Few persons would be found to question the value of such a degree, with the training and associations which it implies, to those who are obliged by circumstances to enter on the work of their life at the age of nineteen or twenty. At present it constantly happens that such young men stay on at school till they are eighteen or nineteen before joining a medical school, or entering a solicitor's office, or going into business; and everyone acquainted with school life must have observed how much time is wasted by them, especially between the ages of sixteen and nineteen. During these years, having no immediate motive for intellectual exertion, they are very apt to become idle. The monotonous drudgery of routine lessons tends to produce in them a dislike of learning, instead of stimulating literary or scientific taste, or cultivating a love of work; whilst the prolonged school life meanwhile absorbs their thoughts in games and sports, and gives the pleasure-seeking bent to their character. Going as boys with this poor equipment straight from school into city life, they are in much greater danger from the various temptations which meet them there than they would be if they could pass through such a transition period as would be furnished by an university course duly regulated and under good influences." And I must here add that, even without any hall or college specially adapted for young men of sixteen or seventeen, I see no reason why men should not come up to Oxford at this age, as, indeed, up to as late as 1840 or 1850 they very frequently did. Dr. Percival's proposal is to found a college or hall for such younger men. Whether this is practicable, whether the necessary money could be obtained, whether a class college—as this would probably be called—even if founded, would be desirable, I must leave others to judge. We have not sufficient details at present before us to enable us to do so; but in the meantime there is certainly no university rule or statute to prevent men from joining the university at sixteen or seventeen, and very few and simple college rules would make it quite easy for any college willing to try the experiment to receive and properly care for such young men. In fact, Dr. Percival has expressed his willingness—and we cannot too warmly thank him for his liberality, and for the earnestness of purpose which his offer proves, to try the experiment, and to take some young men of the age proposed into his own college; and if it proved successful, as I doubt not would be the case, other colleges would follow the example. Next as to expense. It must be borne in mind that, whether at the universities or elsewhere, the parent must board and lodge and clothe his son during the five years of articles. If he goes to Oxford or Cambridge he would only have to do so for one year more, three years at the university, and three years during his subsequent articles—viz., for six years instead of five, and for one of those years (if the plan of coming up at sixteen or seventeen is adopted) he would be saved school expenses. But Oxford and Cambridge are thought to be so expensive—of course, they may be, and too often are so—but every year this is less the case. Keble College has shewn how well and how reasonably a young man may live at college, and the delegates of unattached students can testify that men can, and that many do, live there for a most moderate sum—quite as cheaply, in fact, as they could possibly do elsewhere. Mr. C. W. Lawrence stated in his paper, in 1876, that an undergraduate might even then live in college, and pay all necessary university and college fees and expenses, for £300 for the three years, and in these days the necessary expenses would probably be less. Lastly, I would say a word more about the examinations. If under such a scheme as Dr. Percival has proposed, or some slight modification of it, many more law students should come up to the universities, I feel sure that arrangements might readily be made to increase the tuition in practical English law, though even now, for the Honour Law School, in addition to general jurisprudence and Roman law, a knowledge is required, under the head of English law, of—(1) The law of contract; (2) the law of succession, testamentary and intestate to (*a*) real property, (*b*) personal property (the books recommended being Stephen's Commentaries and Williams's "Law of Real and Personal Property"); (3) the law of real property so far as it is not included in the foregoing subjects, the books recommended being Williams's, Stephen's, Digby's "History of the Law of Real Property," and Goodeve's "Modern Law of Real Property"; (4) the law of the Constitution, including a knowledge of the legislative power of Parliaments, the privileges of Parliament, and the prerogatives of the Crown. For a B.C.L. degree—real and personal law, common law (including contracts, torts, criminal law, and the procedure of the High Court), equity (with special reference to trusts and partnerships), and one special subject from a list containing agency, easements, specific performance, and others of the same sort, in addition to jurisprudence, Roman law, and International law are all required. From these official extracts from the Oxford Examination Statutes it will be at once clear that though Oxford does not and could not, in my opinion, claim to make a man a skilled practical lawyer, it can and does impress on the law student the larger and more generous notions of law which are too often never learnt in later life; in other words, it can and does lay the broad, strong foundation on which the superstructure is surely and safely built up; and it is on this ground, and in view of these advantages of the good foundation which is laid, as well as the very considerable superstructure of English law which is taught, that I urge so strongly the value of an university course for our law students. And I will go one step further and venture to suggest that possibly even our intermediate examinations might, in the case of university law students, be conducted at the university, or even be dispensed with in the case of those who have taken honours in the law school or a B.C.L. degree. The legislative powers which are needed on our part could readily be obtained, and such a proposal would, I feel sure, be met in Oxford with the greatest cordiality. I have reason to know that several of the leading members of the Faculty of Law have already paid considerable attention to this subject, and would gladly co-operate with this society in promoting any measures for enabling those who intend to enter our profession to obtain an university training. Naturally I have spoken only of Oxford, as I am myself closely connected with that university, and am well acquainted with the feelings of its members and its means of education; but, of course, what I desire to advocate is the larger admission of our law students, not to Oxford alone, but to any university which can present the advantages described by Mr. Lawrence in the paper I have already quoted. It remains to consider to what practical conclusion I should ask this meeting to arrive. It is perhaps too soon to ask you to adopt finally any particular scheme, but I would ask you to pass a resolution declaring it to be desirable that the facilities for obtaining an university education by solicitors should be extended, and requesting the council to inquire whether by means of the scheme suggested by Dr. Percival, or by any modification of it, that object can be attained. I would leave it to the council to determine how this inquiry should be conducted, but I might suggest that either the Examination Committee, or a committee appointed for the purpose, should confer with Dr. Percival and, at Oxford at any rate, with the Faculty of Law.

Legal Education in the Provinces.

Mr. W. A. Jevons (Liverpool) read a paper on this subject, in which he said: By declining to support proposals for a joint system of education for both branches of the profession, and by claiming the right to test the acquirements of members of their own branch of the profession before their admission to practice, this society has made itself distinctly responsible for the legal training and qualification of those who are to be brought up as solicitors. Let us, therefore, ask ourselves how that duty is performed. At one time it appeared to be considered in other departments besides the law that examinations alone could be made a sufficient guarantee for adequate teaching. The London University, which was at first schemed as a sort of union of two teaching colleges, University College and King's College, of London, became, or I should be inclined to say, degenerated, into a mere examining board, admitting to degrees all students who passed sufficient examinations, no matter where or how they were educated. There has now, however, been, to some extent, a reaction against this extreme view; witness the recent agitation in London for the formation of a teaching university in the metropolis, also the formation of the Victoria University, with its constituent colleges of Owens College, Manchester, and University College, Liverpool. The same necessity for uniting direct teaching of a systematic character with examination tests, has been practically recognized as to legal education, both by the Inns of Court and by this society by the institution of their courses of lectures and classes. The lectures and classes of the Inns of Court naturally deal with some branches of legal studies which are not dealt with by this society. None of these bodies, however, make attendance at their lectures and classes compulsory, but content themselves with offering instruction to those who are desirous of availing themselves of it, and stimulating their students to avail themselves of the advantages offered by means of exhibitions and prizes. The desirability, therefore, of affording students of law some opportunities of direct instruction is practically conceded by the heads of both branches of the profession and the advantages of such direct instruction are made obvious by the very much smaller percentage of students who fail in their examination, out of those who have availed themselves of these advantages, compared with those who have relied merely on private study. All solicitors who accept articled clerks undertake in their articles to instruct them in the law, but in how few cases is any direct attempt made to fulfil this undertaking? The clerk is allowed to see business going on in the office, and is so far taught as this, that he is urged to do office work for the sake of making himself practically useful; by which means he is forced to acquire some knowledge of law, but direct instruction by his employer in a busy office is all but impracticable, and may be said to be substantially unknown. The clerk is, in fact, left to acquire theoretic knowledge of the law by his own, mostly desultory, reading. This society has practically recognized the insufficiency of this mode of attaining knowledge of law by the institution of law lectures and classes in London. [After describing these lectures and classes Mr. Jevons continued:—] The three lecturers on the principal courses are paid 200 guineas each. Mr. Busk is paid 300 guineas. The total expense of the lectures and classes is £1,075, of which only

£721 17s. 6d. is covered by the fees of students, leaving a deficiency of £353 2s. 6d. There can be no doubt that this system is proceeding in the right direction, and, if persevered in, that it will tend to raise considerably the grade of education amongst solicitors. It is much to be regretted that the proportion of students availing themselves of the advantages offered is so small. The number of articles registered every year is about one thousand, and of these, from a rough calculation, it appears that a third are in London and two-thirds in the country. It is, however, mainly to the necessity of extending the benefits of this system of direct instruction in the law to the provinces that I desire to direct attention in this paper. When the question of the institution of a law university was under discussion I always felt that there would be considerable difficulty in dealing with legal education in the provinces. It did not appear practicable to induce all clerks articled in the provinces to reside in London for a sufficient time to enable them to receive a complete course of instruction by lectures and classes, nor is it altogether desirable to detain young men in London away from their homes, and from their regular occupations, for so long a time as would be requisite for that purpose. I have, therefore, always felt that a system of law schools in London would require to be supplemented by provincial schools in, at all events, the principal provincial centres of population and business. The same feeling of the necessity of some such provision for legal education has arisen in the provinces themselves. In Liverpool, Manchester, Birmingham, and Newcastle law classes have been established, or attempted to be established. [After giving details of the arrangements for lectures and classes in each of these towns, including a lengthened statement as to the Board of Legal Studies recently established at Liverpool (*ante*, p. 768) Mr. Jevons continued:—] The foregoing particulars will shew the society what has already been done, and is now doing, to promote law studies in the provinces. It is obvious from the experience of Liverpool that there is no difficulty in securing the highest teaching talent at a very moderate remuneration, and the whole of the reports go to prove, that although the zeal for legal education is different in different places, there is, in the majority of the large towns, a *bond fide* desire, both amongst the students and the profession, for some organized system of legal instruction. They also shew that neither in London nor the provinces can such law schools be made self-supporting. It is impossible for the local societies in most places to supply the necessary funds. In Liverpool and Newcastle, and probably in other places, at the time when the existing law societies were incorporated, the necessity for supplying funds for educational purposes was not appreciated, and the memorandums of association do not contain any clause which would authorize the application of their funds to such a purpose. I maintain, therefore, that the duty of supplying the necessary funds must fall upon this society, which I have endeavoured in the early part of this paper to shew is the body primarily responsible for the education of those students intended for the career of solicitors. The responsibility of this society for the training of solicitors, both provincial and metropolitan, however, arises not merely from their control of the examinations, but also from the fact that it is the only body which has the power of taxing the profession, and that it is actually in receipt of a large income levied from the very class whom I am seeking to benefit—namely, the articled clerks. I find from the last year's accounts that the examination fees alone amounted to £9,735, and the total expenditure on examinations, lectures, and law classes, including prizes, to £4,768 2s. 10d., against which should, I suppose, be placed the sum of £255 13s. 4d., the income from examination prize funds, which reduces the expenditure to £4,512 9s. 6d., which sum deducted from £9,735 leaves a surplus of £5,222 10s. 6d. Against this sum it may be said that there should be charged some part of the standing expenses of the establishment, but after making any reasonable allowance for that, there would still remain an ample amount to cover a very considerable extension of the system of law schools, and as the society in the same year paid off £3,000 on account of their mortgage debt, there is no risk of any deficiency of the total funds of the society. I am not seeking in this paper to establish any special claim for any one town, or to ask this meeting to enter into any details, but only to shew that the subject is one that ought to be taken up by this society as the body primarily responsible, and ought to be dealt with in a systematic manner. No doubt there is something to be said in favour of the system of proportioning the expenditure by this society on provincial schools to the amounts contributed by the separate localities themselves, as it may be supposed that by that means greater interest in the subject and more effectual supervision could be secured; but when, in fact, there are no local bodies which have funds at their disposal applicable to the purpose, such a requirement would mean that if the amount of fees received from the students does not yield the requisite amount it must be raised by private subscriptions, a most unreliable source of income, and one which is absolutely certain to dwindle away in course of time. It is certainly necessary that the council should have sufficient security that the money they apply in support of provincial law schools is well and judiciously spent, but that is a result which can be easily attained by insisting on some degree of control over what is done, and requiring full reports of what is done or intended to be done. I have given a specimen of the sort of report which, I think, the council should require in the report just sent in by the Liverpool Board of Legal Studies. The receipt of these reports from every local centre where schools are established, would not only keep the council fully informed of the way in which the money was being spent, but would enable them to exercise effective control by giving or withholding their funds according as the reports were satisfactory or otherwise. But the council themselves are, in fact, already represented in the provinces by their own ordinary provincial members and extraordinary members, of whom there would probably be two in each town where lectures are likely to be at present proposed to be established, who would, no doubt, readily undertake the duties of a sub-committee, and exercise such an amount of superintendence as may be thought desirable. There are two members of the council at present members of the Liverpool Board of Legal Studies, one of them its chairman. What I should propose is this—that this meeting should recommend to the council to appoint a special committee, consisting in large part of provincial members of the council, with power to sit in the provinces to consider and recommend to the council some plan for the establishment and support of provincial law schools. I hope in the meantime, and whilst the whole subject is under consideration, the council will see fit to extend the same consideration to Newcastle that they have done to Liverpool, and for the present, at least, to require no guarantee in return for their grant. The law schools at Birmingham, Liverpool, and Newcastle will then go on for the ensuing session, from October to April, and during that time additional experience will have been gained, and there will have been time to consider the claims of other places, and so mature some general scheme. It will, no doubt, be found that nothing can be done towards the instruction of clerks in purely rural localities, but because everything that may be desired cannot be accomplished, there is no reason that that should not be done which is as clearly within our power, as it is within our duty.

The Preliminary Examination.

Mr. A. H. Hastie (London) read a paper on this subject. After referring to the defeat of the council on his motion at the annual meeting, he said: I desire to say, as I have said before, that I am not one of those members who oppose the council on ordinary questions, or who believe that its members are actuated by corrupt or improper motives. Strongly do I deprecate the violent attacks which are often made upon the council, but this question is a vital question, and if the council are not with us, they must be against us. We are about to set our house in order, and it is useless to reform in the face of a hostile council. When we have a council prepared to raise the tone and the general efficiency of the profession, we must commence by raising the standard of the preliminary examination to such a height as shall insure that none shall step across our threshold but those rendered capable, by clear intellect and sound education, of thoroughly understanding the intricacies of the law, and advising their fellow-men in all their social and business difficulties. When we have done this, we may, I think, work out some scheme for insuring that the integrity in pecuniary matters of every solicitor shall be vouched for by substantial sureties. If, in the elaboration of these reforms, we should fortunately, or unfortunately, limit our numbers and increase our worldly prosperity, the public will be the gainers, for, instead of having to choose a good adviser from a shoal of bad ones, they will be sure that every solicitor is intelligent, capable, and solvent. The present preliminary examination is far easier than that required for entrance into a public school. The preliminary examination of the future shall be a test of intelligence and of scholarship. It is remarkable that, although the council have doggedly voted against my reforms, they have put forward no valid excuse for their hostility. They have certainly alleged that some of the examinations accepted in lieu of the preliminary examination have as low a standard, but a Bill put forward by the Law Society would certainly pass, and sweep away this difficulty. No such Bill has, however, been drawn, or will be drawn, unless we insist upon it. They have alleged that they fear the dispensing power of the judges, but that could be easily removed by statute, and I much doubt whether the judges care to have it. Having it, they no doubt feel bound to exercise it occasionally. It is a power which was reserved when the examination was first established, and it may fairly be said that experience has proved it unnecessary. At a holiday meeting like the present, I will trespass no further upon the time of my hearers than to say to those who do not belong to our society, pray join it at once! The council have just been defeated upon the burning question of the hour, and we need your influence, your support, and your subscription, to raise to its proper level the guild of those who keep, and who should keep safely, the property, the conscience, and often the family secrets and the honour of their fellow-countrymen.

Mr. Indermaur (London) said that a cry had been raised that the preliminary examination was not severe enough, but he begged to differ most strongly. He admitted that there was much in Mr. Jevons' argument for the institution of lectures, but it would be a great hardship to compel articled clerks in the country to attend lectures. Lectures should be established throughout the country, and it should be made compulsory upon articled clerks to attend lectures before they could present themselves for the intermediate or final examination. He would make the entrance to the profession easy, but the course of study after entering into articles and the examinations more difficult than was the case at present.

The meeting then adjourned for luncheon.

Upon re-assembling

Mr. Morrell moved the following resolution:—"That it is desirable that the facilities for obtaining an university education by solicitors should be extended, and that it be referred to the council to appoint a committee to inquire how that object can be attained."

Mr. S. Learoyd (Huddersfield) seconded.

Mr. G. R. Dodd supported the resolution, remarking that he had moved one with a similar object at the provincial meeting at Oxford in 1876. In his opinion the standard of examination was much too low, and he would require all articled clerks to have passed an university examination. The standard of the preliminary examination ought to be raised considerably, and if it was argued that examinations were accepted in its place which were not of equal severity, he would urge the council to go to Parliament to get this remedied.

Mr. B. WAKE (Sheffield) asked whether the interests of the profession would be served by printing such a paper as that of Mr. Hastie's. He moved that it be not printed.

The PRESIDENT requested Mr. Wake to postpone the motion until that which was before the meeting had been dealt with.

Mr. GREGORY observed that the resolution relegated the consideration of the subject of university education very much to the law societies for the purpose of suggesting some measure by which that might be facilitated; and the mover had very wisely left the motion in general terms. He (Mr. Gregory) cordially and entirely agreed with it, but there should be some expression of opinion given by the meeting as to the mode in which it might be facilitated and its objects carried out. Some years ago a Bill had been brought before the House of Commons for the purpose of regulating the two universities, and he (Mr. Gregory) had taken the opportunity of proposing an amendment for the purpose of reducing the residence now required for undergraduates from three years to two, which latter period he considered quite sufficient. He had divided the House twice upon the subject, and his motion had only been rejected by a majority of four. His motion had been supported by Mr. Goschen and others of considerable influence, and he (Mr. Gregory) ventured to say that there was a strong consensus of opinion beyond the scope of the legal profession in favour of a resolution of that kind. The three years at the university was often productive of absolute harm, because men passed the preliminary examinations with credit and success, and then grew careless on account of the long period of residence yet before them. The two years' residence would also enable men to enter the profession at an earlier age than was the case at present, and would enable professional men to give their sons an university education, because of the reduction of expense.

Mr. E. E. WHITFIELD (Oxford) expressed his belief that the universities could never make a practical lawyer. This must be done in the office or in chambers. He was proceeding to speak upon the necessity of a codification of the law when he was called to order.

Mr. COULTON (Leeds) having spoken,

Mr. H. BRAMLEY (Sheffield) said the subject was discussed at the meeting at Oxford and again at Hull. He was in favour of the reduction of residence to two years.

Sir A. K. ROLLIT, M.P. (Cottingham), said that the only method by which the profession could be brought to its proper position would be by taking care of the education of its members. Mr. Hastie's paper had, in his opinion, shewn the necessity for more education. In his concluding words that gentleman had contrasted his intelligence with the inertia of the council. He (Sir A. K. Rollit) would prefer the inertia of the council to the intelligence referred to. The object of education should not be the mere teaching of a profession. They sought in a lawyer not merely a legal scholar, but to make a scholarly lawyer. He thoroughly appreciated the education, social and otherwise, which was given by the older universities, but the London University had been one of the best training bodies. He did not think that, as a general rule, law students could go to the universities, for that meant the positive disadvantages of more expensive associations and an expenditure which was frequently above their means. But if the clerks could not go to the universities, the universities were gradually coming to the clerks. University colleges were springing up in various quarters, and university lectures were being instituted, and also classes, which were more important still. In this local aspect, he thought, lay the solution of the problem. He thought the society should identify itself as much as possible with the local, as distinct from the general, university. He was a member of the council for re-organizing the University of London, and they fully realized that mere examination was not adequate for the work which was required, but that they must teach as well.

Mr. HASTIE, amidst cries of "Go on," wanted to know what this had to do with the subject.

Sir A. K. ROLLIT, proceeding, expressed a hope that the Incorporated Law Society would unite with the London University in this matter, and that they would shortly be represented on the senate. He trusted that by law classes and lectures they would raise the tone of the instruction of articled clerks, and urged that the prizes which were given should be increased.

Mr. C. E. MATHEWS (Birmingham) supported the resolution, stating that he had always found university men to make the best lawyers. They obtained at the universities general culture which was of the greatest value to them. He was opposed to a special college for law, which, he thought, would be a mistake, and urged that special scholarships should be established at the universities for the express purpose of attracting lawyers.

Mr. H. BARKER (Huddersfield) regretted the tone of Mr. Hastie's paper, but agreed with much that was contained in it. He was of opinion that the Cambridge Junior Local Examination should not be accepted in lieu of the preliminary, and gave some instances of the ease with which it could be passed and of the early age of the candidates.

Mr. SMITH (Sheffield) objected to the university career being whittled down in order to suit the peculiarities of any profession. He believed that the education given, not only at a great public school, but at numerous private ones, coupled with the training of a well-ordered home, gave a sufficient foundation for any boy entering on the solicitor's or any other profession.

Mr. W. J. MCLELLAN (Rochester) asserted that the work of an office was the only thing which could fit a man for his duties. He thought it neither prudent nor expedient that the term of service should be reduced unless there was some arrangement made by the university for special training.

Mr. PENNINGTON (London) said that, as treasurer of the society, the subject had some interest for him. He thought it was his duty to say something upon the financial part of the question, because that part had been very carefully kept in the background. Of course, all schemes of this kind involved expense somewhere, and it had been hinted in one or two quarters that it would be very proper and very suitable that that expense should, at any rate to some, and perhaps to a considerable, extent, fall upon the society's funds. He had no objection to that as a general principle. If education of lawyers was to be established, it was right that the society should take the lead, not merely nominally, but in a substantial manner, and that it should provide a proper proportion of the expense to be incurred. But Mr. Morrell had not said anything about the expense of establishing this school which Dr. Percival contemplated. He (Mr. Pennington) wished to reserve his judgment upon the question as to whether it was or was not desirable that any such college should exist. His personal impression was that it would be a mistake. He thought that, first of all, they would come into conflict with the great public schools, who would possibly resent the removal of boys from them at a particular age of sixteen years in order that they might go to the university. They would naturally say they would educate the boys up to the usual time of eighteen years of age, and send them to take the ordinary degree. Of course a degree was desirable, but he himself had never taken one, and he wished to point out that it was not absolutely necessary. There were many parents who could not afford to give their sons an university career, and he should be sorry to think that they were therefore to be debarred from putting them to the law. He had no objection to the resolution, because it was one merely for inquiry, but it was his duty to point out that the society might not be able to do all it might like to do. It had a very large income derived from articled clerks, but the funds did not admit of a very lavish expenditure at present. Although there was a surplus each year, it had to be applied to the payment of the debt upon the buildings, and the council had to be very careful in dealing with the funds.

The motion was agreed to.

Mr. JEVONS then moved as follows:—"That this meeting recommends to the council to appoint a special committee (consisting in large part of provincial members of the council with power to sit in the provinces) to consider and recommend to the council some plan for the establishment and support of a provincial law school."

Mr. STANTON seconded the motion.

Mr. PENNINGTON said that he did not intend to suggest that he was going to oppose the motion, but he only wished to say that it might be necessary in considering the resolution to take into consideration the funds of the society, which were not in so flourishing a position as the resolution would lead one to believe. He did not, however, object to the resolution—quite the contrary.

The motion was agreed to.

Mr. WAKE moved that Mr. Hastie's paper be not recorded on the proceedings of this meeting, but the motion was not seconded.

Mr. HASTIE, who spoke amidst some interruption, to put himself in order, moved that it is desirable the standard of the preliminary examination should be raised. He was proceeding to refer to the attacks made on his paper when

The PRESIDENT ruled him out of order.

DIVISIONAL COURTS.

Mr. J. W. MARTIN (Reading) read a paper on this subject, in which he said: In these days of boasted law reform, does anything exist so palpably absurd as that unique tribunal styled the Divisional Court? In an action at law tried before a judge and jury, where witnesses are examined and cross-examined, and the facts arrived at by the jury, who are called upon to give their verdict on the various issues raised, and the points of law determined by the judge, one would suppose that after all this, the next step for the losing suitor to take—if he were anxious to continue the litigation—would be to go direct to the Court of Appeal, as in the case of actions heard in the Chancery Division. Yet, daily, in actions commenced in the Queen's Bench Division—tried before a jury—the dissatisfied party has to appeal first to the Divisional Court, consisting as it sometimes does of three judges; and after this intermediate court of appeal, either of the parties can proceed to the Court of Appeal, and thence to the House of Lords. One naturally asks the question, is this a state of things which ought to exist? Is it not a direct premium for encouraging litigation beyond its legitimate use? [After discussing the provisions of the Judicature Acts and Rules relating to divisional courts, Mr. Martin continued:—] The immense amount of waste of judicial time caused by the withdrawal of the two or three judges required for the Divisional Court—to say nothing of the increased costs to the litigants—is, in short, a public scandal. What is the remedy for this state of affairs? My answer is: The abolishment of divisional courts. In making this sweeping change, I do not for one moment include the appeals from inferior courts; or the jurisdiction in relation to questions of law arising in crimmal trials, commonly styled "Crown Cases Reserved"; but these cases to all intents and purposes may be considered as final appeals, and might very conveniently be disposed of by specially constituted courts formed from judges of the Queen's Bench Division. The 46th section of the Judicature Act, 1873, giving power to any judge of the High Court to reserve or to direct any case to be argued before a divisional court, ought to be repealed. A single judge should be competent to decide all questions coming before a court of first instance, and also in chambers; after that the proper place for review, if necessary, is the Court of Appeal, as in chancery. The present staff of the Queen's Bench Division consists of fifteen judges, some of whom have to go circuit four times a year, attend chambers, do monthly duty at the Central Criminal Court, hear election petitions, hear

appeals from the inferior courts, criminal appeals, sit in *Nisi Prius*, and, lastly, form divisional courts consisting of two or three judges to hear motions for new trials, or decide questions of law in actions tried before a judge and jury. Take away the latter work, and you would have at least half-a-dozen more judges at disposal to transact the remaining judicial work in the Queen's Bench Division. If by so doing the work of the Court of Appeal would be increased, by all means appoint additional lords justices of appeal, but considering the present state of business in the Court of Appeal, and the fact that the judges of Appeal Court No. 1 have recently had time enough to spare to sit as judges of first instance and dispose of a list of some hundreds of non-jury actions, I do not think there would be any necessity for increasing the number of appeal judges. As, however, there would be more appeals to the Court of Appeal than at present, two or three judges could be taken from the Queen's Bench to the Appeal Court with liability to go circuit. The time has come when it behoves our branch of the profession, through the medium of the Incorporated Law Society, to speak out plainly and clearly, that there is no occasion for this monstrous state of things to continue. The immense amount of public money which would be saved, and the arrears of actions which would be diminished, are quite sufficient reasons for abolishing divisional courts. Why this patchwork of judicial power should have been retained by the Judicature Acts is more than an ordinary mortal can divine; but after a trial of this system for a period of eleven years and upwards, it is certainly time when reform is necessary. The old courts *in Bane* have been perpetuated without their previous corresponding advantages. It was comparatively of rare occurrence for cases to be taken to the Court o Exchequer Chamber—it was then a much more serious question than that of now going to the Court of Appeal—but now-a-day cases almost as a matter of course find their way from the Divisional Court to the Court of Appeal. With regard to the appeals from inferior courts—as in appeals from revising barristers and election petitions—a court might be constituted of two judges of the High Court who should be assigned at the commencement of each legal year to hear such appeals, which court could be styled the "Court of Appeal from Inferior Courts." A similar arrangement might be arrived at for revenue cases; cases stated by the Railway Commissioners; and proceedings on the Crown side of the Queen's Bench Division. The latter should be called the "Court of Criminal Appeal." An arrangement might be easily made for certain judges to try actions, attend chambers, and to sit at the Old Bailey. What is wanted is more regularity, fixed certainty, and uniformity, in the courts of the Queen's Bench Division. The continued state of uncertainty in this division naturally drives suitors to the more steady and regular tribunal of the Chancery Division. The whole of the work in the Queen's Bench requires re-modelling, and the sooner this is done the better.

Mr. HASTIE then moved that no further business should be taken until his paper had been discussed.

The CHAIRMAN reminded the meeting that the discussion on the three first papers had been taken together. He could not allow the motion to be put.

Mr. HASTIE moved, and Mr. SIMEY (Sunderland) seconded, the adjournment of the meeting.

Mr. C. T. SAUNDERS (Birmingham) spoke in opposition to the motion.

The motion was negatived.

THE COUNCIL AND THE PROFESSION.

Mr. LOWNDES read a paper entitled, "On the best Mode of making the Council Representative of the Profession," in which he said: The question is repeatedly put to solicitors, Why don't you join the Incorporated? and there are different reasons assigned. The London solicitors have every inducement to belong to the society, because they have at all times ready access to the valuable library and news-room, which is very convenient to the Royal Courts. Now the inducement to the provincial solicitors to join the society is different. Many of the younger members of the profession, especially in the provinces, do not see how they are to get an adequate return for their subscription. I think this does not apply to those younger members who practise in the metropolis, as those who are not fortunate enough to possess a good library of books have the advantage of a complete library, open late, for reference and study. But many of the younger members in the provinces say, I cannot afford to pay the double subscription to my local society, which gives me a library, and to whose committee I can apply for advice and protection in case of difficulty or necessity. I assume therefore as part of my premisses that the amount of the subscription really deters many members in the provinces from joining the society. I therefore begin by urging a reduction in the cost of membership, if there is any real necessity for anything beyond the 5s. now paid for registration of the certificate, which I question, for the reasons which I shall urge later on. How is this to be done whilst maintaining the society in its present state of efficiency? [After referring to the income and disbursements of the society, Mr. Lowndes continued:—] I do not propose to examine and criticize these accounts; I propose to take the figures as I find them, and I ask you to consider them from another point of view. The property of our society consists of the valuable block fronting Chancery-lane, Carey-street, and the Palace of Justice. What is this site worth? I should say from £100,000 to £120,000. As the council insure the buildings against fire for £63,000 I cannot be far from the mark. What income does this property yield? An income of only £1,360 12s. 4d.? A very inadequate return for the capital represented in the site and buildings. Now, if the premisses with which I started are correct, that many are prevented from joining the society as they fail to see the use of joining the society, the question arises, Is the present rate of subscription necessary? I will not discuss the items of expenditure at length; I think it is sufficient to mention the total to shew that they might be considerably reduced. They amount to upwards of £20,000. The course which I would suggest is that a new society should be formed, consisting solely of London solicitors, to whom the library of books should be given. It would probably be fair to make present members of the Incorporated Law Society honorary life members. I would then suggest that the site and buildings in Chancery-lane should be sold, and a new site and buildings of a less expensive character should be erected. What would be needed would be a large room for public meetings and for holding the examinations, and some smaller rooms for classes, and an office for the staff. I should expect to have £25,000 at least as a surplus fund, and the income of this fund, if invested, together with the £6,000 a year net which the society receives from the articled clerks, and the present 5s. tax for the registrar's certificate, should be ample to maintain the requisite staff. If this scheme were adopted the council would be elected by the whole of the members of the profession, everybody who takes out a certificate having the right to vote. I would suggest that the council should be increased to 48, half of whom should be solicitors taking out London certificates, and the other half provincial solicitors. In this way the views of the profession, both town and country, would be represented; one-third of each moiety to retire annually. To carry this scheme out a fresh charter and Act of Parliament would be necessary, and the opportunity might be taken of providing that the council should have the power of suspending or removing a member from the roll for conduct unbecoming a solicitor, subject to an appeal to the judges. The judges would be relieved of a painful duty, and a professional man ought not to be afraid of any act of his being considered by men of standing in his own branch of the profession. In regard to the manner in which the business of the council should be transacted, I would suggest the selection of certain grand committees. On some of them it would probably be found convenient to make a majority of London, on others of provincial, solicitors; but these are details. There are questions of the greatest importance to our branch of the profession which will have to be discussed, and it would be very advantageous if, when changes in legislation are proposed, a joint committee of the bar and of the representatives of the solicitors could meet and discuss them in a friendly spirit. The first step needed is to have a real central representation of the solicitors as a body.

Mr. W. M. WALTERS (London) entered his protest against Mr. Lowndes' extraordinary scheme. He went heart and soul with him in proposing to reduce the entrance fee and subscription to the society and make every solicitor a member of the society, but he could not agree with his proposition to get rid of the magnificient institution which had been the growth of years. He would ask them to support the first half of the paper and to strike out the remainder.

Mr. LEE (Birmingham) thought there was a great deal in what Mr. Lowndes had put forward. Members of country law societies asked what was the good of paying a subscription of £1 to the head society when they had their local societies close at hand. He believed that if the subscription were reduced the actual amount received would be increased.

Mr. BRAMLEY suggested that country members should be allowed the use of the Law Club without further subscription.

Mr. SIMEY thought the Law Society ought to be put, by statute, on such a footing that every member of the profession must necessarily be a member of it.

Mr. DAY was one of those who gave up the shares which members at first held for the general good of the society, and he objected to the society's buildings being got rid of as was suggested.

Mr. MCLELLAN was opposed to compulsory membership.

Mr. COULTON having spoken, the proceedings terminated for the day.

SECOND DAY.

CUSTODY OF INFANTS.

Mr. F. J. MUNBY (York) read a paper with this title, in which, after referring to a circular letter dated the 22nd of November, 1884, issued under the direction of Sir William Harcourt, in which his desire is expressed that no boy should under any circumstances whatever be discharged from a reformatory or industrial school, for sea or coast service, emigration, or enlistment in the army or navy, without the full knowledge and consent of his parents, and to a further circular intimating that the Home Secretary desires that, before any application is made to him for the discharge of a boy or girl in the above-named circumstances, notice should be sent by the managers to the parents, proffering to submit any representation they have to make to the Home Secretary, in order that he may decide whether the objection is one which ought to prevail, Mr. Munby said that when an infant attains the age of fourteen years the guardianship for nurture ceases (*Ratcliff's case*, 3 Rep. 37a, 38b), upon the supposition that the infant has now reached the years of discretion (per Lord Campbell, C.J., in *Reg.* v. *Clarke*, 7 Ell. & Bl. 197). Up to the age of sixteen, however, a female child who has withdrawn herself from the custody of the father against his will may be ordered to be restored to her father, where there is no reason to suppose that he will not exercise proper parental control (*Reg* v. *Howes*, 30 L. J. (M. C.) 47), but in that case Cockburn, C.J., said, "The courts of law will not interfere by *habeas corpus* to withdraw the child from the custody of persons with whom it may be, and hand it over to the custody of its father, if it has attained the age of discretion, and is capable of understanding the position in which it is placed. The whole question is, at what age a child can be said to arrive at the age of discretion. . . . The age of sixteen is pointed at as the age up to which a child ought to remain under parental control;" and in *Rex.* v. *Greenhill* (6 N. & M. 244), Littledale, J., said, "Upon general principles of law the father is entitled to the custody of children. If they be of an

Mr. B. Wake (Sheffield) asked whether the interests of the profession would be served by printing such a paper as that of Mr. Hastie's. He moved that it be not printed.

The President requested Mr. Wake to postpone the motion until that which was before the meeting had been dealt with.

Mr. Gregory observed that the resolution relegated the consideration of the subject of university education very much to the law societies for the purpose of suggesting some measure by which that might be facilitated; and the mover had very wisely left the motion in general terms. He (Mr. Gregory) cordially and entirely agreed with it, but there should be some expression of opinion given by the meeting as to the mode in which it might be facilitated and its objects carried out. Some years ago a Bill had been brought before the House of Commons for the purpose of regulating the two universities, and he (Mr. Gregory) had taken the opportunity of proposing an amendment for the purpose of reducing the residence now required for undergraduates from three years to two, which latter period he considered quite sufficient. He had divided the House twice upon the subject, and his motion had only been rejected by a majority of four. His motion had been supported by Mr. Goschen and others of considerable influence, and he (Mr. Gregory) ventured to say that there was a strong consensus of opinion beyond the scope of the legal profession in favour of a resolution of that kind. The three years at the university was often productive of absolute harm, because men passed the preliminary examinations with credit and success, and then grew careless on account of the long period of residence yet before them. The two years' residence would also enable men to enter the profession at an earlier age than was the case at present, and would enable professional men to give their sons an university education, because of the reduction of expense.

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Mr. Coulton (Leeds) having spoken,

Mr. H. Bramley (Sheffield) said the subject was discussed at the meeting at Oxford and again at Hull. He was in favour of the reduction of residence to two years.

Sir A. K. Rollit, M.P. (Cottingham), said that the only method by which the profession could be brought to its proper position would be by taking care of the education of its members. Mr. Hastie's paper had, in his opinion, shewn the necessity for more education. In his concluding words that gentleman had contrasted his intelligence with the inertia of the council. He (Sir A. K. Rollit) would prefer the inertia of the council to the intelligence referred to. The object of education should not be the mere teaching of a profession. They sought in a lawyer not merely a legal scholar, but to make a scholarly lawyer. He thoroughly appreciated the education, social and otherwise, which was given by the older universities, but the London University had been one of the best training bodies. He did not think that, as a general rule, law students could go to the universities, for that meant the positive disadvantages of more expensive associations and an expenditure which was frequently above their means. But if the clerks could not go to the universities, the universities were gradually coming to the clerks. University colleges were springing up in various quarters, and university lectures were being instituted, and also classes, which were more important still. In this local aspect, he thought, lay the solution of the problem. He thought the society should identify itself as much as possible with the local, as distinct from the general, university. He was a member of the council for re-organizing the University of London, and they fully realized that mere examination was not adequate for the work which was required, but that they must teach as well.

Mr. Hastie, amidst cries of "Go on," wanted to know what this had to do with the subject.

Sir A. K. Rollit, proceeding, expressed a hope that the Incorporated Law Society would unite with the London University in this matter, and that they would shortly be represented on the senate. He trusted that by law classes and lectures they would raise the tone of the instruction of articled clerks, and urged that the prizes which were given should be increased.

Mr. C. E. Mathews (Birmingham) supported the resolution, stating that he had always found university men to make the best lawyers. They obtained at the universities general culture which was of the greatest value to them. He was opposed to a special college for law, which, he thought, would be a mistake, and urged that special scholarships should be established at the universities for the express purpose of attracting lawyers.

Mr. H. Barker (Huddersfield) regretted the tone of Mr. Hastie's paper, but agreed with much that was contained in it. He was of opinion that the Cambridge Junior Local Examination should not be accepted in lieu of the preliminary, and gave some instances of the ease with which it could be passed and of the early age of the candidates.

Mr. Smith (Sheffield) objected to the university career being whittled down in order to suit the peculiarities of any profession. He believed that the education given, not only at a great public school, but at numerous private ones, coupled with the training of a well-ordered home, gave a sufficient foundation for any boy entering on the solicitor's or any other profession.

Mr. W. J. McLellan (Rochester) asserted that the work of an office was the only thing which could fit a man for his duties. He thought it neither prudent nor expedient that the term of service should be reduced unless there was some arrangement made by the university for special training.

Mr. Pennington (London) said that, as treasurer of the society, the subject had some interest for him. He thought it was his duty to say something upon the financial part of the question, because that part had been very carefully kept in the background. Of course, all schemes of this kind involved expense somewhere, and it had been hinted in one or two quarters that it would be very proper and very suitable that that expense should, at any rate to some, and perhaps to a considerable, extent, fall upon the society's funds. He had no objection to that as a general principle. If education of lawyers was to be established, it was right that the society should take the lead, not merely nominally, but in a substantial manner, and that it should provide a proper proportion of the expense to be incurred. But Mr. Morrell had not said anything about the expense of establishing this school which Dr. Percival contemplated. He (Mr. Pennington) wished to reserve his judgment upon the question as to whether it was or was not desirable that any such college should exist. His personal impression was that it would be a mistake. He thought that, first of all, they would come into conflict with the great public schools, who would possibly resent the removal of boys from them at a particular age of sixteen years in order that they might go to the university. They would naturally say they would educate the boys up to the usual time of eighteen years of age, and send them to take the ordinary degree. Of course a degree was desirable, but he himself had never taken one, and he wished to point out that it was not absolutely necessary. There were many parents who could not afford to give their sons an university career, and he should be sorry to think that they were therefore to be debarred from putting them to the law. He had no objection to the resolution, because it was one merely for inquiry, but it was his duty to point out that the society might not be able to do all it might like to do. It had a very large income derived from articled clerks, but the funds did not admit of a very lavish expenditure at present. Although there was a surplus each year, it had to be applied to the payment of the debt upon the buildings, and the council had to be very careful in dealing with the funds.

The motion was agreed to.

Mr. Jevons then moved as follows:—"That this meeting recommends to the council to appoint a special committee (consisting in large part of provincial members of the council with power to sit in the provinces) to consider and recommend to the council some plan for the establishment and support of a provincial law school."

Mr. Stanton seconded the motion.

Mr. Pennington said that he did not intend to suggest that he was going to oppose the motion, but he only wished to say that it might be necessary in considering the resolution to take into consideration the funds of the society, which were not in so flourishing a position as the resolution would lead one to believe. He did not, however, object to the resolution—quite the contrary.

The motion was agreed to.

Mr. Wake moved that Mr. Hastie's paper be not recorded on the proceedings of this meeting, but the motion was not seconded.

Mr. Hastie, who spoke amidst some interruption, to put himself in order, moved that it is desirable the standard of the preliminary examination should be raised. He was proceeding to refer to the attacks made on his paper when

The President ruled him out of order.

Divisional Courts.

Mr. J. W. Martin (Reading) read a paper on this subject, in which he said: In these days of boasted law reform, does anything exist so palpably absurd as that unique tribunal styled the Divisional Court? In an action at law tried before a judge and jury, where witnesses are examined and cross-examined, and the facts arrived at by the jury, who are called upon to give their verdict on the various issues raised, and the points of law determined by the judge, one would suppose that after all this, the next step for the losing suitor to take—if he were anxious to continue the litigation—would be to go direct to the Court of Appeal, as in the case of actions heard in the Chancery Division. Yet, daily, in actions commenced in the Queen's Bench Division—tried before a jury—the dissatisfied party has to appeal first to the Divisional Court, consisting as it sometimes does of three judges; and after this intermediate court of appeal, either of the parties can proceed to the Court of Appeal, and thence to the House of Lords. One naturally asks the question, is this a state of things which ought to exist? Is it not a direct premium for encouraging litigation beyond its legitimate use? [After discussing the provisions of the Judicature Acts and Rules relating to divisional courts, Mr. Martin continued:—] The immense amount of waste of judicial time caused by the withdrawal of the two or three judges required for the Divisional Court—to say nothing of the increased costs to the litigants—is, in short, a public scandal. What is the remedy for this state of affairs? My answer is: The abolishment of divisional courts. In making this sweeping change, I do not for one moment include the appeals from inferior courts; or the jurisdiction in relation to questions of law arising in crimmal trials, commonly styled "Crown Cases Reserved"; but these cases to all intents and purposes may be considered as final appeals, and might very conveniently be disposed of by specially constituted courts formed from judges of the Queen's Bench Division. The 46th section of the Judicature Act, 1873, giving power to any judge of the High Court to reserve or to direct any case to be argued before a divisional court, ought to be repealed. A single judge should be competent to decide all questions coming before a court of first instance, and also in chambers; after that the proper place for review, if necessary, is the Court of Appeal, as in chancery. The present staff of the Queen's Bench Division consists of fifteen judges, some of whom have to go circuit four times a year, attend chambers, do monthly duty at the Central Criminal Court, hear election petitions, hear

appeals from the inferior courts, criminal appeals, sit in *Nisi Prius*, and, lastly, form divisional courts consisting of two or three judges to hear motions for new trials, or decide questions of law in actions tried before a judge and jury. Take away the latter work, and you would have at least half-a-dozen more judges at disposal to transact the remaining judicial work in the Queen's Bench Division. If by so doing the work of the Court of Appeal would be increased, by all means appoint additional lords justices of appeal, but considering the present state of business in the Court of Appeal, and the fact that the judges of Appeal Court No. 1 have recently had time enough to spare to sit as judges of first instance and dispose of a list of some hundreds of non-jury actions, I do not think there would be any necessity for increasing the number of appeal judges. As, however, there would be more appeals to the Court of Appeal than at present, two or three judges could be taken from the Queen's Bench to the Appeal Court with liability to go circuit. The time has come when it behoves our branch of the profession, through the medium of the Incorporated Law Society, to speak out plainly and clearly, that there is no occasion for this monstrous state of things to continue. The immense amount of public money which would be saved, and the arrears of actions which would be diminished, are quite sufficient reasons for abolishing divisional courts. Why this patchwork of judicial power should have been retained by the Judicature Acts is more than an ordinary mortal can divine; but after a trial of this system for a period of eleven years and upwards, it is certainly time when reform is necessary. The old courts *in Banc* have been perpetuated without their previous corresponding advantages. It was comparatively of rare occurrence for cases to be taken to the Court o Exchequer Chamber—it was then a much more serious question than that of now going to the Court of Appeal—but now-a-day cases almost as a matter of course find their way from the Divisional Court to the Court of Appeal. With regard to the appeals from inferior courts—as in appeals from revising barristers and election petitions—a court might be constituted of two judges of the High Court who should be assigned at the commencement of each legal year to hear such appeals, which court could be styled the "Court of Appeal from Inferior Courts." A similar arrangement might be arrived at for revenue cases; cases stated by the Railway Commissioners; and proceedings on the Crown side of the Queen's Bench Division. The latter should be called the "Court of Criminal Appeal." An arrangement might be easily made for certain judges to try actions, attend chambers, and to sit at the Old Bailey. What is wanted is more regularity, fixed certainty, and uniformity, in the courts of the Queen's Bench Division. The continued state of uncertainty in this division naturally drives suitors to the more steady and regular tribunal of the Chancery Division. The whole of the work in the Queen's Bench requires re-modelling, and the sooner this is done the better.

Mr. HASTIE then moved that no further business should be taken until his paper had been discussed.

The CHAIRMAN reminded the meeting that the discussion on the three first papers had been taken together. He could not allow the motion to be put.

Mr. HASTIE moved, and Mr. SIMEY (Sunderland) seconded, the adjournment of the meeting.

Mr. C. T. SAUNDERS (Birmingham) spoke in opposition to the motion.

The motion was negatived.

THE COUNCIL AND THE PROFESSION.

Mr. LOWNDES read a paper entitled, "On the best Mode of making the Council Representative of the Profession," in which he said: The question is repeatedly put to solicitors, Why don't you join the Incorporated? and there are different reasons assigned. The London solicitors have every inducement to belong to the society, because they have at all times ready access to the valuable library and news-room, which is very convenient to the Royal Courts. Now the inducement to the provincial solicitors to join the society is different. Many of the younger members of the profession, especially in the provinces, do not see how they are to get an adequate return for their subscription. I think this does not apply to those younger members who practise in the metropolis, as those who are not fortunate enough to possess a good library of books have the advantage of a complete library, open late, for reference and study. But many of the younger members in the provinces say, I cannot afford to pay the double subscription to my local society, which gives me a library, and to whose committee I can apply for advice and protection in case of difficulty or necessity. I assume therefore as part of my premisses that the amount of the subscription really deters many members in the provinces from joining the society. I therefore begin by urging a reduction in the cost of membership, if there is any real necessity for anything beyond the 5s. now paid for registration of the certificate, which I question, for the reasons which I shall urge later on. How is this to be done whilst maintaining the society in its present state of efficiency? [After referring to the income and disbursements of the society, Mr. Lowndes continued:—] I do not propose to examine and criticize these accounts; I propose to take the figures as I find them, and I ask you to consider them from another point of view. The property of our society consists of the valuable block fronting Chancery-lane, Carey-street, and the Palace of Justice. What is this site worth? I should say from £100,000 to £120,000. As the council insure the buildings against fire for £63,000 I cannot be far from the mark. What income does this property yield? An income of only £1,360 12s. 4d.? A very inadequate return for the capital represented in the site and buildings. Now, if the premisses with which I started are correct, that many are prevented from joining the society as they fail to see the use of joining the society, the question arises, Is the present rate of subscription necessary? I will not discuss the items of expenditure at length; I think it is sufficient to mention the total to shew that they might be considerably reduced. They amount to upwards of £20,000. The course which I would suggest is that a new society should be formed, consisting solely of London solicitors, to whom the library of books should be given. It would probably be fair to make present members of the Incorporated Law Society honorary life members. I would then suggest that the site and buildings in Chancery-lane should be sold, and a new site and buildings of a less expensive character should be erected. What would be needed would be a large room for public meetings and for holding the examinations, and some smaller rooms for classes, and an office for the staff. I should expect to have £25,000 at least as a surplus fund, and the income of this fund, if invested, together with the £6,000 a year net which the society receives from the articled clerks, and the present 5s. tax for the registrar's certificate, should be ample to maintain the requisite staff. If this scheme were adopted the council would be elected by the whole of the members of the profession, everybody who takes out a certificate having the right to vote. I would suggest that the council should be increased to 48, half of whom should be solicitors taking out London certificates, and the other half provincial solicitors. In this way the views of the profession, both town and country, would be represented; one-third of each moiety to retire annually. To carry this scheme out a fresh charter and Act of Parliament would be necessary, and the opportunity might be taken of providing that the council should have the power of suspending or removing a member from the roll for conduct unbecoming a solicitor, subject to an appeal to the judges. The judges would be relieved of a painful duty, and a professional man ought not to be afraid of any act of his being considered by men of standing in his own branch of the profession. In regard to the manner in which the business of the council should be transacted, I would suggest the selection of certain grand committees. On some of them it would probably be found convenient to make a majority of London, on others of provincial, solicitors; but these are details. There are questions of the greatest importance to our branch of the profession which will have to be discussed, and it would be very advantageous if, when changes in legislation are proposed, a joint committee of the bar and of the representatives of the solicitors could meet and discuss them in a friendly spirit. The first step needed is to have a real central representation of the solicitors as a body.

Mr. W. M. WALTERS (London) entered his protest against Mr. Lowndes' extraordinary scheme. He went heart and soul with him in proposing to reduce the entrance fee and subscription to the society and make every solicitor a member of the society, but he could not agree with his proposition to get rid of the magnificient institution which had been the growth of years. He would ask them to support the first half of the paper and to strike out the remainder.

Mr. LEE (Birmingham) thought there was a great deal in what Mr. Lowndes had put forward. Members of country law societies asked what was the good of paying a subscription of £1 to the head society when they had their local societies close at hand. He believed that if the subscription were reduced the actual amount received would be increased.

Mr. BRAMLEY suggested that country members should be allowed the use of the Law Club without further subscription.

Mr. SIMEY thought the Law Society ought to be put, by statute, on such a footing that every member of the profession must necessarily be a member of it.

Mr. DAY was one of those who gave up the shares which members at first held for the general good of the society, and he objected to the society's buildings being got rid of as was suggested.

Mr. MCLELLAN was opposed to compulsory membership.

Mr. COULTON having spoken, the proceedings terminated for the day.

SECOND DAY.

CUSTODY OF INFANTS.

Mr. F. J. MUNBY (York) read a paper with this title, in which, after referring to a circular letter dated the 22nd of November, 1884, issued under the direction of Sir William Harcourt, in which his desire is expressed that no boy should under any circumstances whatever be discharged from a reformatory or industrial school, for sea or coast service, emigration, or enlistment in the army or navy, without the full knowledge and consent of his parents, and to a further circular intimating that the Home Secretary desires that, before any application is made to him for the discharge of a boy or girl in the above-named circumstances, notice should be sent by the managers to the parents, proffering to submit any representation they have to make to the Home Secretary, in order that he may decide whether the objection is one which ought to prevail, Mr. Munby said that when an infant attains the age of fourteen years the guardianship for nurture ceases (*Ratcliff's case*, 3 Rep. 37a, 38b), upon the supposition that the infant has now reached the years of discretion (per Lord Campbell, C.J., in *Reg.* v. *Clarke*, 7 Ell. & Bl. 197). Up to the age of sixteen, however, a female child who has withdrawn herself from the custody of the father against his will may be ordered to be restored to her father, where there is no reason to suppose that he will not exercise proper parental control (*Reg* v. *Howes*, 30 L. J. (M. C.) 47), but in that case Cockburn, C.J., said, "The courts of law will not interfere by *habeas corpus* to withdraw the child from the custody of persons with whom it may be, and hand it over to the custody of its father, if it has attained the age of discretion, and is capable of understanding the position in which it is placed. The whole question is, at what age a child can be said to arrive at the age of discretion. . . . The age of sixteen is pointed at as the age up to which a child ought to remain under parental control;" and in *Rex.* v. *Greenhill* (6 N. & M. 244), Littledale, J., said, "Upon general principles of law the father is entitled to the custody of children. If they be of an

age to judge for themselves they have a right to determine where they will go, but if they be not, it is the bounden duty of the court to put them in that custody which the law points out." In an Irish case (*In re Connor*, 16 Ir. C. L. R. 112) a father's application for the custody of his son over fourteen and under sixteen years of age was refused, the infant being allowed to exercise his discretion as to his own place of abode. In these circumstances no parent can hope for assistance from the courts of law to recover the control of a child over sixteen if it understands the position in which it is placed, and desires to remain in it; and in the case of children who have been removed from their parents by operation of law, and placed under the care of those who have the management of state-aided schools, it appears most impolitic for a Home Secretary to hold out to such parents any hope of support in their endeavours to secure again the control of their children, and most unfair to place hindrance in the future of those children, by encouraging the intervention of the parent after the child attains the age of sixteen.

Mr. DODD (London) said that he had read a paper on the same subject at the Birmingham meeting in 1884. People had exaggerated ideas with regard to the control the court might exercise over infants. He recollected the case of a girl of fifteen or sixteen years of age who had defied the court, and the Vice-Chancellor had said, "What am I to do? I can only send her to prison." And so she had her way. He did not think they were likely to obtain much assistance from Parliament.

Mr. F. KENT (London) said it was abundantly proved that the court had not much control over children above the age of sixteen years. He thought it would be well that this control should be much extended, and that the proposition at the end of Mr. Munby's paper should be carried as a resolution by the meeting. He would therefore move "That this meeting is of opinion that a parent whose control over his or her child has been for a time forfeited by law, is in no sense entitled to the control of that child against its will after it attains the age of sixteen years, and that a public enactment to that effect is desirable."

Mr. DAY (London) seconded the motion, and it was agreed to.

LAND TRANSFER.

Mr. G. B. GREGORY (London) said that the subject of land transfer was one in which he had taken great interest. There were one or two papers dealing with this subject, and he suggested that these should be taken together, so that a discussion might take place. The Government would probably bring in a Bill dealing with the matter shortly, and it would be well if the opinions of solicitors could be made known before the Bill was drafted.

Mr. HENRY BARKER (Huddersfield) read a paper entitled "Land Transfer Reform," in which he said: I shall endeavour to shew that registry of title, or national registry of land (as it might more appropriately be called), is unsuited to our English institutions, and that with one or two simple alterations in the general law the true path of land transfer reform lies in the direction of registration of assurances, and not in that of registration of title. After referring to the failure of the Declaration of Titles Act, 1862, Lord Westbury's Act of 1862, and Lord Cairns' Act (Land Transfer Act, 1875), and the causes of their failure, and discussing the objections to registration of title, he came to the conclusion that a system of registry of title, or national registry of land, is unsuited to our English institutions on the following grounds: 1. Practically the experiment of permissive registration has been tried and has failed. 2. The expense and delay of such a system, coupled with the practical imposition of a tax on existing landowners for the benefit of posterity or strangers. 3. The wide questions opened by the word "compensation." 4. The black-balling of titles, or the confiscation of rights. 5. Last, not least, a system of national land registration is opposed to what I may call the *genius loci* of the country. It will uproot and destroy the historical tenure of land, and (while practicable in a new country) it is eminently unsuited to meet the complicated and shifting circumstances of English titles and family settlements—including fee simples, fee tails, life estates, terms of years, remainders absolute and contingent, reversionary interests, and a thousand and one other estates and interests with which conveyancers are practically acquainted. He continued: Should these conclusions be approved the question next arises, What is to be done to simplify and economize the transfer of land? My reply is, register the title, not the land. Register the assurances, and do not set up a so-called system of registration of title calling for, and dependent on, an official establishment which will bring with it many evils, and which will ultimately sap out all science from conveyancing and degrade it from an art to a mechanical act. He suggested the following as the main points in a scheme for registry of assurances: 1. That a system of registration of assurances based in the main on the Yorkshire Registry Acts now in force, should be extended to the whole of England, Yorkshire and Middlesex being included in the new system, all special local registration being repealed. 2. That local registries for each county or other convenient districts be established. 3. The inrolment of the actual memorials or documents presented for registration, so as to avoid the labour and expense of and liability to error in transcribing the same in the official register. 4. The indorsement of a certificate of registration on the registered document, and a provision that such certificate shall be conclusive evidence of due registration. 5. The compulsory registration in the local registry of all assurances, documents, orders or Acts of court, and process affecting lands. 6. That the priority of assurances, &c., shall be governed by priority of registration without regard to other circumstances, except in case of actual fraud by the party registering. 7. Provision for the protection of intending purchasers and mortgagees, &c., by the registration of *caveats* as now practised under the Yorkshire Registry Acts. 8. Provisions to the general effect of sections 11, 12, 13 of the principal Yorkshire Act for registration of (*a*) notices of wills; (*b*) affidavits of intestacy; (*c*) affidavits of vesting. 9. Systematic indexes of lands, parishes, townships, and names of persons, for the purpose of facilitating searches. 10. A system of official searches and the delivery of official certificates of searches and officially certified copies or extracts. 11. Protection to parties and their solicitors relying on official researches and certificates of search, or upon officially certified copies or extracts. 12. Provision for rectification of the register by application to the court in some short and inexpensive way. 13. It would probably be a practical convenience if copies of the entries in the local registers were sent up to a central registry in London (as is the practice in the district probate registries), so that in addition to local searches for each district, searches might be made in London for the whole kingdom, or for any county or provincial district. The registration of assurances as suggested would be of advantage, as it would—1. Keep a record of all assurances, &c., relating to lands. 2. Give additional security to purchasers and mortgagees, and especially to persons dealing with a vendor in possession of his title deeds who has sold part of his estate, and to parties making advances on second mortgage where the deeds are with the first mortgagee; also to reversioners and those dealing with them where the life tenant has the deeds. 3. Prevent frauds and mistakes. 4. Supply information as to missing and lost documents, &c. 5. Materially simplify titles, &c. Coupled with registration of assurances, general improvements or alterations in the law such as the following would, I think, do much to simplify and cheapen the transfer of land, viz.—1. The abolition of the creation of estates tail *in futuro* and the enlargement of existing estates tail into fee-simple estates whenever any person without the consent of another had power to bar the entail. 2. The appointment of *a real* or *realty representative post mortem* who should have the same power as to the real estate of a deceased person as the personal representative now has with reference to chattels real; there seems to be no reason why the personal representative should not *ipso facto* be the real or realty representative. This would have one good incidental effect in affording a simple medium for equalizing the death duties as between real and personal estate, and the modes of their assessment and collection. In connection with the appointment of a real or realty representative, a good deal has been said as to *caveats* and other similar protections. There are no *caveats* or special protections now in use as to leaseholds, or as to trust or mortgaged estates which now vest in the personal representative, and yet we seldom hear of any injustice or misfeazance. Why special protection should be more needed as to pure realty than as to chattels *real*, or as to trust or mortgaged estates, I do not know. Let all interests and rights subordinate to the power of disposition be dealt with as trusts and equities, and let the real representative be considered as a trustee for the beneficiaries, and we should, I fancy, want little more. 3. Whenever—(*a*) Any land is the subject of a settlement. (*b*) The legal estate is in abeyance. (*c*) The holder of the legal estate is under disability or unascertained, let there be some real or realty representative *inter vivos* who shall either absolutely, or in the absence of a life tenant or other person now empowered under the Settled Land Act, have (with due safeguards) the power of disposition or alienation. 4. The extension of the system of short forms adopted in the Conveyancing Act of 1881, bringing in common form covenants, powers, and provisions either as of course, or by the use of key words or terms of art (*e.g.*, covenant for payment and proviso for redemption in a mortgage might be made common forms in every mortgage, as is now the case in a statutory mortgage). 5. The codification and revision of the law relating to the registration of judgments and executions as against land. 6. The limitation (in point of time) of the claim of the Crown to death duties as against purchasers for value. 7. The abolition of the law of tacking. In conclusion he moved the following resolution:—"That this meeting places on record its conviction that the best interests of the country in connection with land transfer reform lie in the direction of registration of assurances as opposed to what is called registry of title (or more properly land registry). And that the Council of the Incorporated Law Society be requested to take such steps as they may consider advisable with the view to the establishment of a national system of registration of assurances, as recommended by the Royal Commissioners of 1830 and 1850, and by the Select Committee of 1878, coupled with other conveyancing reforms, and that the council be respectfully invited to consider the various suggestions in Mr. Barker's paper, with a view to the adoption of such of them as may be deemed practicable."

SEARCHES.

Mr. W. GODDEN (London) read the following paper entitled "Searches before Completion of Land Transfer":—The object of this paper is to draw further attention to a much-needed, although apparently inconsiderable, reform in the practical detail of land transfer, and to invite discussion as to the manner in which that reform should be promoted, and the form which it should take. Owing to the present imperfect state of the law as to registered judgments, we are in danger of the completion of land purchases being again incumbered in practice with numerous tedious and expensive searches, thus drifting away from the certainty and simplicity in land transfer which we all desire. There is also a danger that popular distrust of the security of land purchases may grow up—a feeling which, when once aroused, often long outlives the cause which gave it rise. To shew that these are real dangers, it is enough to state that an actual case has lately occurred of an innocent purchaser being defeated after he had paid his purchase-money by a secret judgment creditor, whose charge was undiscoverable. A recent series of exhaustive and valuable articles on the subject in the SOLICITORS' JOURNAL opens with the startling words, "No purchaser of land can safely pay his purchase-money." The decision in *Re Pope* (34 W. R. 654, 693) has brought to light a defect in the Acts of Parliament

relating to registered judgments and executions. Since the Act of 1864 it has been generally considered that a purchaser might disregard judgments unless actually executed. Although some uncertainty existed as to what amounted to an actual execution, the general opinion was that it meant such an enforcement of the judgment creditor's title as would necessarily come to the knowledge of a purchaser; and, accordingly, counsel and solicitors were enabled to advise purchasers that they could safely pay over their purchase-moneys. But it now appears that a purchaser may, after completion, be defeated by a judgment entirely unregistered, and which no vigilance or inquiry could discover. This arises from the wording of the Act of 1864, which provided that no judgment should affect land until actually delivered in execution by virtue of a writ of *elegit* or other lawful authority. The framer of the Act appears to have assumed that every delivery in execution would be openly discoverable by a purchaser, like the visible presence of a sheriff's officer in possession of personal property, while in fact there are many incorporeal interests in land where the delivery in execution must necessarily be of a constructive and secret character, and where it can only be effected by a writ of sequestration or the appointment of a receiver. In 1874 it was decided in the Court of Appeal that the appointment of a receiver or a writ of sequestration amounts in law to a delivery in execution. It should be borne in mind that since the Judicature Act the High Court grants a receivership order whenever just or convenient, and not only where there is no other legal remedy; and receivership orders are, therefore, more frequent than formerly. Then in June last, in *Re Pope*, it was held—first, that a judgment creditor is entitled to a receivership order, although he can, if he pleases, also proceed by *elegit*; and, secondly, that no previous registration of the judgment is necessary, and that the receivership order need not be registered until a sale is desired. A purchaser may, therefore, pay his purchase-money without any means of knowing of the existence of the incumbrance, and may afterwards find, as happened in *Re Pope*, that a judgment creditor has priority, and can intercept the rents and profits, or can also subsequently proceed to register his receivership order and apply for a sale. It also appears that, under an unregistered judgment, and without any registration whatever, land may be delivered in execution either under an *elegit* or under a *fi. fa.* (if leasehold), immediately before the completion of a purchase, and that a purchaser has no means of ascertaining the fact, and may lose his purchase-money. Lord Justice Cotton, in his judgment in *Re Pope*, said he quite felt the difficulty which the decision would throw on purchasers, but it was not for the court to cure the defect, but for the Legislature. The policy of recent legislation has been to assimilate the law of real property to that of personal property. Indeed, it is difficult to see any sufficient reason for the old law, or why the statute 18 Edward I. should have been construed to give a judgment creditor, as from the date of entering up the judgment, a dormant charge on land to the prejudice of a purchaser. Every one will agree that the existing Acts of Parliament should be at once amended by enacting that no judgment shall affect land until the writ, order, or other authority, under which the land is delivered in execution, has been registered in the Central Office. This apparently slight reform is important as an instalment of reform of the land laws generally. For whatever throws doubt on the title of purchasers, or even raises popular distrust, discourages free dealing in land, and depresses its value. The very rare and occasional benefit to a judgment creditor must be infinitesimal as compared with the inconvenience to the community in general, if the completion of every land purchase were again to be burdened with expensive and uncertain searches for secret incumbrances. It is a wholesome maxim that the law aids the vigilant, and judgment creditors may well be left to take care of themselves by prompt action if they wish to resort to their debtor's lands, and not be allowed to lie by at the expense of innocent purchasers. From the reign of William and Mary, when judgments were first "doggetted," down to the commencement of Her Majesty's reign, when the Common Pleas Registry was established, and thenceforward down to the Act of 1864, every land purchase in England or Wales has been hampered with expensive and harassing searches before completion—and if, as has been estimated, land purchases have in recent years averaged in number 300,000 per annum, the aggregate cost to purchasers of land of searches for incumbrances before completion cannot have been less than twenty millions sterling since 1838. During all that time the burden was on the wrong persons, and, having been shifted, it is extremely undesirable that it should now be put back again. These remarks apply also with great force to other secret charges or incumbrances which may affect purchasers or mortgagees of land, and the legislation which must take place to remedy the defect disclosed by *Re Pope* may, with great advantage to the general body of vendors and purchasers of land, and, through them, to the entire community, be extended to the registration at the Central Office of every incumbrance which it behoves a purchaser to be informed of before he pays his purchase-money. This would be only carrying forward the principle of the Supreme Court (Officers) Act, 1879, which concentrated at the Central Office numerous registers previously kept in various separate places, and of the Conveyancing Act, 1882, s. 2. The decision in *Re Pope* naturally attracted much attention. The Council of the Incorporated Law Society at once took up the subject, and referred it to a committee, by whom a valuable report was brought up in August, containing so much useful information that the council forthwith communicated the report to the provincial law societies; while the further consideration of the subject and the action to be taken upon it was necessarily adjourned over the vacation. A series of very valuable articles on the same lines has, as above stated, also appeared in the SOLICITORS' JOURNAL, beginning August 14, 1886, and in the following numbers. It appears that there are no less than ten or twelve companies or offices where statutory drainage or land improvement loans can be effected whose registers a purchaser who seeks perfect safety ought to search. In practice this has not been done. It is believed that it is not even done by the Court of Chancery, where money is laid out by the court in the purchase of land. Such improvement or drainage loans are usually secured by a terminable rent-charge, which takes priority over all other charges or titles. Why Parliament should have conferred this statutory security is not very apparent. The lenders might always have stipulated that the last or principal title deed should be indorsed with notice of the charge, and in that way safety in each individual case might have been attained without throwing upon every purchaser of land throughout the kingdom the expense and trouble of searching, in order to ascertain whether his particular land has been dealt with. The danger is not imaginary. In one actual case a mortgage for £20,000 was completed in ignorance of such a loan, and after completion the mortgagees found themselves face to face with overriding annual rent-charges of £400 per annum, which rent-charges had been sold by the original authority to two leading insurance companies in London. As to some of these improvement loans no register exists. It is suggested that the proposed legislation should provide that no such rent-charge or improvement expenditure should affect land unless or until registered in the Central Office. There is another tedious search—viz., at the Chancery Enrolment Office—for recognizances and bonds, a class of incumbrances which might involve serious consequences, and more especially in these days when liquidatorships are so numerous. Every compulsory liquidation and most receiverships are accompanied with a suretyship recognizance which it is presumed might form a charge—bonds for large amount have also been given as security for the execution of public works, and are being continually given for public bonded warehouses, and there are other securities of a like nature. It is to the interest of vendors and purchasers that any apprehension from such a source should be removed, and at least that no incumbrance of this kind should affect land as to purchasers or mortgagees unless and until it is registered at the Central Office. Another danger to a purchaser arises from the secret title of a trustee in bankruptcy. Owing to the number and magnitude of the registers and the transfer of bankruptcy jurisdiction to the county courts, the difficulty attending complete searches in bankruptcy has become so great that they have very frequently been omitted in practice. They are not, in the absence of special grounds for suspicion, required by the Court of Chancery where land is bought under the direction of the court. If it is to be deemed necessary in every case to make thorough bankruptcy searches, a heavy burden would be laid on land transfer. There seems to be no sufficient reason why the entire body of vendors and purchasers of land should have such a tax put upon them for the protection of an occasional trustee or body of creditors who are not vigilant enough to look after their own interests. Trustees and creditors could always register in the comparatively few cases where a bankrupt has, or may have, real estate. It would, therefore, seem reasonable that a bankruptcy trustee's title should be postponed to a purchaser or mortgagee, unless the trustee's appointment be registered in the Central Office. Another charge which has been pointed out, and which may, as the law now stands, affect a purchaser, and may be utterly undiscoverable, is that allowed by the Agricultural Holdings Act, 1883. A landlord who pays compensation to a tenant may obtain from the county court a charge for the amount repayable by instalments. It has been suggested that a prudent purchaser would inquire of the representatives of every deceased tenant for life as to the existence of any such charge; but it would seem much more reasonable that no such charge should affect land as against a purchaser or mortgagee unless registered in the Central Office. Again, attention has been called to the possibility of charges under 8 & 9 Vict. c. 56, for improvement expenditure incurred with the sanction of the Chancery Division. Such charges might also reasonably be required to be registered at the Central Office. It will be remembered that the old practice of including among the requisitions on title an inquiry whether the vendor or his solicitor is aware of any incumbrance has been discontinued since the decision in *Re Ford* (L. R. 10 Ch. D. 365). It may be worth consideration whether it might not be made obligatory on vendors to answer such a requisition, and also to give reasonable proof of the reply where a change of solicitors has taken place, or where for other reasons such proof may fairly be required. The importance of simplifying searches, and relieving purchasers from the expense and uncertainty attending them, will be still further appreciated if it be borne in mind that not only are all these expensive and tedious searches to be made as against the immediate vendor, but also against every previous owner mentioned in the abstract of title. Such a complete search obviously becomes prohibitive. It has been suggested that any new legislation might extend to declaring what searches should be made, and protecting purchasers and their solicitors. This is, perhaps, too much to ask. It may probably be better to be satisfied with less, and not imperil a pressing reform by aiming at absolute perfection. It is thought that the legislative reform which might at once be sought, and which might be pressed for as outside the range of controversy, might be summarized as follows:—(*a*) That no execution or delivery in execution should affect land as to purchasers or mortgagees unless or until the writ, order, or authority under which such execution, or delivery in execution, takes place, is registered in the Central Office, and re-registered every five years. (*b*) That no charge for any improvement or drainage loan, or expenditure, or for compensation paid to a tenant under the Agricultural Holdings Acts, should affect land unless similarly registered. (*c*) That the title of a trustee in bankruptcy should be postponed to purchasers for value and mortgagees unless similarly registered. (*d*) That a comprehensive alphabetical and lexicographical list should be kept at the Central Office, comprising in one list every incumbrance or charge which affects purchasers or mortgagees. (*e*) That provision should be made for official searches, as in section 2 of the Conveyancing Act, 1882, and the rules thereunder.

Solicitors as Auctioneers.

Mr. Grinham Keen (London) read a paper, entitled "Are we to Wield the Hammer?" in which he said: A question that has greatly exercised us of late, and to which no satisfactory answer has been given, is, What is meant by the phrase "conducting a sale"?—in order words, What are we solicitors to do in order to conduct a sale within the meaning of the Solicitors' Remuneration Act and Order? Are we to do the legal work only (including the preparation of particulars, &c.), or must we do the work of surveying and valuing, and get into the rostrum and "wield the hammer"? Now, fortunately, I am addressing an audience acquainted with the points that have been raised, to the effect that something more than the solicitor's ordinary work is necessary to entitle him to the fee for "conducting," and this is all that has at present been said about this "sphinx"-like enigma. I shall not, therefore, weary you with many arguments. The most recent case on the subject is that of *Re Wilson* (L. R. 29 Ch. D. 790), which was a Lancashire case, and in which the Lancashire custom had been followed of paying the auctioneer a small fee for "wielding the hammer," the solicitor claiming the conducting fee, and to charge in addition a heavy surveyor's bill for surveys and valuations. But it was apparent from the surveyor's bill that he did, and charged for, many things which the solicitor might and ought to have done, and the decision went against the solicitor on this point alone. Moreover, in that case there was no real argument, inasmuch as counsel appeared for one side only, and it appears to me that the profession cannot take that case as offering or helping them to any real solution of the question, and in my remarks I propose altogether to disregard it, and to endeavour to discuss the rules from a common-sense point of view. But I may mention, in passing, that in a prior case of *Re Beck* (L. R. 24 Ch. D. 608) a commission of one quarter per cent. was allowed to the auctioneer, and yet the solicitor was allowed remuneration according to the scale. I take it as clear that we can, if we wish, act as auctioneers, and I will say something more on this point presently. First, let us take into consideration the question of valuing and surveying. Is it necessary we should do that part of the work in order to "conduct," and is it possible that the authorities intended that solicitors should act as surveyors and valuers? Certainly not, I think, for the very good reason that surveying and valuing is a business of itself, requiring a regular apprenticeship and training; and I am sure that none of us would be parties to such quackery and wrong-doing towards our clients. The intention surely was that the solicitor, in taking the management of a sale, should, in addition to the legal, do certain preliminary and general business—for a solicitor's business is not made up of law only, he is essentially the man of affairs; but it is only reasonable that he should be able to call in a surveyor or valuer, and pay him for the work actually done. Of course I do not mean in such simple cases as the value of a leasehold term, where the annual value is well settled, or in the case of property in a solicitor's own neighbourhood, where the value, to any one having the management of local property, is a mere A B C calculation; but it is absurd to suppose that the authorities would invite us to do business for which we have not been educated and which we could not do properly. Our society has not spared either money, pains, or time in endeavouring to the utmost to protect the public from quacks and all kinds of outsiders, and there is no fear of our going wrong in this respect. Now let us revert to the question, Should we solicitors get into the rostrum and wield the hammer? I have been told that it was the custom of some solicitors, in former times, to sell by auction, and of others to have it done by a clerk. The operation of ascertaining who bids highest in a room full of people or expatiating on the particulars of the property is simple enough, and a matter that can very easily be dealt with by the solicitor. I confess I do not wish to see him get into the rostrum himself and do the "Going! going! gone!!" part of the business any more than that he should actually engross his own deeds or fair-copy his own drafts. These are business details, not in the same category as valuing and surveying property. The conductor or manager may surely delegate part of the work to others; to work through others is the secret of success in all important business. A "one-man policy" is all very well and perfectly right in some things—advising, and the like; in others, where much and manifold work has to be done, it is a hindrance and a mistake. No manager, whether he be a solicitor, a general, or even a Prime Minister, can fill every post—at least, I know of only one exception, the great "Poohbah," who was First Lord of the Treasury, Lord Chief Justice, Commander-in-Chief, Lord High Admiral, Master of the Buckhounds, Groom of the Backstairs, Archbishop of Titipu, and Lord Mayor! The time has come when there should be uniformity of action amongst us in this matter of selling all over the kingdom, for a profession should be bound by one set of rules. There are, of course, difficulties to be overcome; and there is the fact that different customs prevail in different localities, but that is just one of the things I should like to see altered. Surely, as two schemes were placed before the tribunal created by the Solicitors' Remuneration Act—the London scheme and the Liverpool scheme—and the Liverpool scheme was chosen, that should become the scheme for the whole country. I know well the great assistance given by the auctioneers, and I hope we shall still be able, as we are willing, to employ them; but it ought to be at a fixed fee, and not commission. Commission has been given to the solicitor, and my reason for taking up this subject now is that I feel we shall deliberately throw away a most important part of the scheme—in, fact, that we shall not take up the position given to us by the Legislature—if we forego our right to the complete management and conduct of the sale. The key to the difficulty, I think, is this: the services of the auctioneer must be severed from those of the surveyor and valuer. I may be met with the argument that a person having a property for sale looks to the auctioneer to find him a purchaser. The establishment of a solicitors' auction room is the answer. How to fix the auctioneer's fee is the crux, but it is a question that might be referred to a thoroughly representative committee of the society. Committees of this kind have of late years rendered great service to the profession, and this would not prove too much for such a committee. Whether the double work of surveying and valuing, and the rostrum, be done by one person, as generally in the south, or by distinct persons, as often in the north, the rostrum work must be one thing, and the surveying and valuing another. I shall probably hear something in the discussion that I trust will follow about the objection raised in chambers to the solicitor taking upon himself the conduct of a court sale; but with the greatest respect I submit that the Act and the Rules are clear reading, and I have little doubt that the judges, when they come to deal with the point, will take cognizance of the new order of things arising therefrom. There remain the final questions—Is the solicitor himself to pay the valuer and the party ascertaining who bids the highest? Surely not, any more than that a family doctor should pay the surgeon or other specialist called in for a particular purpose. To shew how unlikely it is that the authorities intended the solicitor himself to pay these charges we have only to take the case of a sale—say for £8,000. If the solicitor paid the valuer and the auctioneer himself, what would be left of his conducting fee amounting to £16? In conclusion, I will only add, that I have long wished to confer with my professional brethren on this part of the Solicitors' Remuneration Scheme, and to seek with them for the real meaning of the phrase "conducting a sale."

A Warning to Mortgagees.

Mr. Bernard Wake (Sheffield), read a paper with the above title, in which he said: The facts in *Newbould* v. *Smith* involve a loss of about £2,000, but the principle there laid down imperils millions of money belonging to thousands of mortgagees, and so warrants, I hope, my notice of it. Having premised as above allow me to call to your serious attention the judgment lately delivered by Lords Justices Cotton, Lindley, and Lopes, in the Court of Appeal, in *Newbould* v. *Smith*. That judgment was unanimous, and so long as it stands I feel that it warrants my statement that every mortgagee must enter into possession within twelve years of redemption day or risk the loss of his money. You will be incredulous; but please, before coming to any conclusion, hear the sequel. The case, so far as it concerns my paper, refers to two loans—one by Alderson, which does not concern us now, and the other by Newbould; as to the latter the facts are shortly as follows: Smith (a borrower) in 1866 obtained money from Newbould (a lender) on deposit of title deeds to leasehold property of the borrower. The debt thus created was on simple contract, not speciality. The borrower in 1878 assigned the property to his sons, but no notice of the assignment was given to the lender, who remained wholly ignorant of it. Two months afterwards—*i.e.*, on the 10th of September, 1878, the borrower paid £50 to the lender, and part of this £50 was for interest on the debt. Then no further payment was made, and more than twelve years elapsed after the assignment, during which the assignees in no way recognized the debt, by payment, writing, or otherwise. The action *Newbould* v. *Smith* was brought by the lender's executor against the borrower and his sons (the assignees). The borrower died before the action was tried, and when it was tried before Mr. Justice North on the 15th, 16th, and 18th of May, 1885, it was reduced to one for foreclosure, and the sons' plea of the Statute of Limitations was held to be fatal to the plaintiff. This judgment proceeded on other grounds* than those discussed in this paper, and an uncomfortable circumstance is noticeable—namely, that the Court of Appeal wholly passed over Mr. Justice North's judgment as regards the Newbould loan, and decided that part of the appeal on the grounds I am now discussing, the same never having been suggested in the court below, or dreamed of by the counsel on either side. The lender's executor appealed, and the appeal was heard on the 13th of July last. It then appeared that the £50 had been paid by the borrower to the lender, but that there was no evidence that the borrower was agent for his sons, who denied that they had any cognizance of the £50 payment. Such being the facts the three judges decided that (1) as the £50 payment was made after the borrower had assigned away the property and (2) twelve years had elapsed without any recognition by the assignees of the debt, the property was freed from the debt—the Statute of Limitations barred the action. I set out in an appendix the exact language of the three judges; it is perfectly explicit; and they were unanimous. It proceeds on the principle that the borrower was not the agent of the sons, who, therefore, could set up the plea that twelve years was an effectual bar; it ignores the importance of the fact that the borrower himself made the payment, and that the lender knew nothing of the transfer of the property, the title deeds of which the lender's executor still retains. Now can this possibly be good law? If so the following may occur: An owner in fee of Blackacre may borrow on mortgage—redemption day being, as usual, in six months—£1,000, and afterwards transfer the equity of redemption to anyone, say his sons, he, the original borrower, may continue to pay the interest, and the mortgagee may have no knowledge of the transfer. Then twelve years may elapse after redemption day, and the father may die insolvent. The mortgagee may want his money, and turn to the estate for payment; but he may be met by the transferee owner uttering the court sentence, "More than twelve years have elapsed since your right of action accrued; you cannot get the land; I have never paid you one penny, and I never will." Most assuredly the judges' decision above quoted decides that the transferee's reply quoted in the last sentence contains a perfect defence, and that being so no mortgagee can guard himself against the Statute of

* The £50 payment, which was all important for the judgment of the court below, and there held not to avail to keep alive the debt, was, for the purpose of the appeal, as regards the Newbould loan, treated as available.

Limitations except by actually entering into possession of the mortgaged property. He may inquire of the borrower whether he continues to possess the property, and the answer may be an untrue "Yes"; but this untruth will not affect the transferee. The mortgagor will have lied, the mortgagee will have been cheated, and the transferee will laugh in his sleeve as he sets up a fee simple with a statutory freedom from the incumbrance of an honest debt. Mr. Wake, in conclusion, considered the question, "What is the particular remedy now wanted, not for this particular case alone, but for the very numerous cases which are developed (1) by imperfect legislative language, and (2) by the too hastily delivered decisions of our judges?" He answered this question by suggesting that the remedy is a Minister of Justice, appointed with a good salary and a good staff (1) to watch existing law as it from time to time throws off excrescences, develops obscurities, or shows signs of weakness; and (2) forthwith to supply all needful remedies, herein especially taking care that all new laws are enacted by clear expressions, of full meaning, in good grammar. Should the Minister of Justice decide that an Act of Parliament is wanted immediately as to the Statute of Limitations it need not be a long one. I draft it thus: "An Act to promote justice. Be it enacted that a debtor is a person who may make a payment on account of his own debt, so as to prevent such debt being barred by any Statute of Limitations"

DISCUSSION.

Mr. BARKER moved the resolution which stood at the end of his paper.

Mr. B. WAKE seconded the resolution, speaking in high terms of the value of the paper read by Mr. Barker, which, in his opinion, foreshadowed the legislation upon the subject. He (Mr. Wake) had the greatest confidence in the registration of deeds, and believed that the sooner Mr. Barker was closeted with a committee of the House of Commons in considering how to draft a Bill to carry out the suggestions in his paper, the sooner would the interests of the public and the profession be enhanced.

Mr. GREGORY stated that he had served on Mr. Osborne Morgan's committee of 1878, and they had come to the conclusion that registration of assurances was preferable to registration of title. There were difficulties in the way of enforcing compulsory registration, but he did not think they were insuperable. There was a system of registration in operation, not only in Yorkshire, but in Ireland, and a very admirable one in Scotland, and he did not think sufficient importance was attached to that scheme, and the manner in which it was worked and carried out, and the benefit which resulted from it. There was in the system what was called a system of searches, and certain gentlemen were official searchers who were well acquainted with the register, and who made searches when so required on all deeds and all incumbrances registered there, and they granted certificates which were accepted as evidence of title. Thus the system became a system of registration of title without any hardship. There were all the deeds on the register, and a certificate up to a certain point which established every title up to that point. He believed the Scotch system was not compulsory, but it had operated so well that no one would now take a title without registration. He had also served upon the committee appointed to settle the Registration Bill of Yorkshire, and he was very curious to know what had been the result of the action taken. The object had been to make the system in Yorkshire as much like that in Scotland as possible, and he thought it had been attained. The object also was to make it a precedent for further legislation. He believed the resolution might do a great deal of good by extending the system all over the country.

Mr. C. T. SAUNDERS (Birmingham) moved the following amendment:—"That this meeting is of opinion that the effect of recent legislation has materially diminished the expense attending the investigation of title to land, revolutionized the former excessive length of deeds, and, by the introduction of the authorized scale, has removed the objections formerly existing as to the cost of conveyancing in small transactions; and that, in view of the above recent legislative changes, which have not yet had time to bear full fruit, no system, either of registration of title or assurance, is called for or desirable, and would not cheapen the cost of or facilitate the transfer of land." He objected strongly to the cry which was raised in the newspapers as to the expense and delay of land transfer. Recent legislation had remedied the evils which had previously existed, and he asserted that the cost of conveyancing had been greatly lessened and titles had been shortened. There was no reason for registration, which he believed would be the cause of great delay in the completion of mortgages, and taking that alone as a test it was an argument against it.

Mr. HOWLETT (Brighton) seconded the amendment. He observed that a discussion on this subject came up at every meeting. He was altogether opposed to registration. Whilst the county of York had registration the City of York was without it, and he had tested the opinion of Yorkshire solicitors whom he had met, which had been invariably against registration. Solicitors knew what a mess the Middlesex Registry was, what a fearful thing Irish registration was, and he had been told that Scotch registration was quite as dilatory and quite as expensive.

Mr. J. WHITE (London) spoke in support of the resolution. This was hardly a question which required further discussion, for it had been discussed again and again at these meetings, and had been reported upon by Parliamentary committees, and if anything was to be done with it at all, surely the time had now come. He looked forward rather to the registration of title than to the registration of assurance, and in supporting the registration of assurance he felt certain he was only taking a preliminary step towards the introduction of registration of title. There was great force in what Mr. Saunders had said—that conveyancing was cheaper, forms were simpler; but the main point to which he looked was security to their clients.

Mr. J. E. GRAY HILL (Liverpool) said he was well acquainted with the system of ship registration which existed, and knew the value of it. There was no doubt that transactions could be carried through in land sales, and in a very short time, if all equitable interests were kept from the title. Of course, the difficulty was that equitable interests in ships were unimportant comparatively, and in land they were extremely important.

Mr. H. E. GRIBBLE (London) believed that the only reform which would be satisfactory to the public, and, consequently, to the profession, would be that some radical alteration should be made, such as had been foreshadowed, of placing real property on the footing of personal property.

Mr. W. M. WALTERS (London) was opposed to registration, but of the two evils he would say, select registration of assurances. He would remind the meeting that solicitors in the south of England had experience of registration as well as those in the north, and he had always found an addition to the expense of transfer in consequence, whilst there was but an infinitesimal addition to the security. It was said that the public wanted something. What was it? Not security. The public was perfectly satisfied with its security as at present, and the simplicity and cheapness which they asked for would not be satisfied by inflicting an additional tax. Some of the worst cases of fraud had occurred in Ireland. No doubt, in some cases, the register imposed a slight additional difficulty in fraud, but it was easily got over.

Mr. WALKER (President of the York Law Society) said that in the City of York they were without registration, whilst the county had it. He was thoroughly convinced that there was no necessity for registration. He had always been opposed to it in the Yorkshire Law Society, and the society had always reported against it.

Mr. PENNINGTON (London) mentioned a case in the Middlesex Registry which had come under his notice where it had been necessary to pay £20 to a solicitor to make a search.

Mr. G. R. DODD (London) observed that the City of London was without registration, although within Middlesex, and referred to the extensive frauds which had taken place in the city in connection with land transfer as an argument in favour of registration.

The amendment was carried, and, being put as a substantive motion, was agreed to.

After lunch, Mr. GODDEN moved "That the action already taken by the council and their intended promotion of an Act to amend the law as to searches is cordially approved."

Mr. PENNINGTON seconded the motion, which was agreed to.

Mr. GRINHAM KEEN moved "(1) That the council be requested to take such measures as may be necessary with a view to the assimilation of the practice in England generally with that which prevails in the north of England with regard to the employment and remuneration of auctioneers; (2) that it be suggested to the council that a committee of the society be appointed, which shall include members familiar with the practice in the north of England, to consider, and report on, the subject with a view to carrying the above resolution into effect."

Mr. J. H. KENION (Liverpool) seconded. He said the practice in Liverpool was for the solicitor to prepare and see to the advertising of the property which was to be sold as well as the preparation of the conditions of sale; and all that was intrusted to the auctioneer was the duty of ascending the rostrum and inviting bids, for which they paid, as a rule, one guinea per lot if the property were not sold, and two guineas if it were; and this was found to work well.

The motion was carried.

Mr. WAKE (Sheffield) moved "That this meeting commends the case of *Newbould* v. *Smith*, as decided by the Court of Appeal, to the special consideration of the Council of the Incorporated Law Society in order to ascertain whether the law then laid down is correctly laid down, and, if so, whether it requires amendment, and, in any case, to take such steps as they may deem advisable."

Mr. BARKER seconded the resolution, which was carried.

CUMULATIVE VOTING FOR SCHOOL BOARDS.

Mr. W. MORGAN (Birmingham) read a paper on this subject in which he said: The school board, under the Elementary Education Acts, is the only institution in this country to which the cumulative system of voting, as governed by the Ballot Act, applies; and the object of this paper is to draw attention to the necessity for some change in the law respecting the election of members of school boards under that system. Persons who are conversant with the working of these Acts are agreed that the combined operation of the cumulative vote with the Ballot Act has produced such eccentric voting, and proved such a powerful instrument for checking and neutralizing public opinion, that some legislative change is imperatively required if the system is to be maintained. [After referring to the provisions of the Ballot Act as to the method of voting by a cross, Mr. Morgan continued:—] Having reference to the above provision, the Education Department, by their order of 26th of November, 1884, gave the following direction to govern school board elections. It will be observed the terms are permissive and not imperative:—"The voter may place against the name of any candidate for whom he votes the number of the votes he gives to such candidate in lieu of a cross, and the form of directions for the guidance of the voter in voting contained in the Ballot Act, 1872, shall be altered accordingly." From these quotations it seems quite clear that although a cross is the appropriate sign which an elector is bound to use when recording his vote under the Ballot Act at a Parliamentary or municipal election, yet at a school board election he may, by some undefined symbol, to be used in lieu of a cross, indicate what number of votes he gives to any candidate. It may be fairly assumed that this means that figures indicating numbers may be used instead of crosses. To this extent only there has been a modification of the statute law on the subject. It has been found, however, in practice that electors

have adopted the most extraordinay and often fantastic methods of marking their ballot papers, and the courts have unfortunately given effect to the vagaries of electors to such an extent that it has now become increasingly difficult to decide whether or not in any given case the franchise has been effectually exercised. This arises principally from the decision of the Court of Common Pleas in the year 1875, in the case of *Woodward* v. *Sarsons* (L. R. 10 C. P. 734). In that case it is stated in the judgment of the court (p. 746), read by Lord Chief Justice Coleridge, but for which his lordship has since pointedly disclaimed any personal responsibility, that while on the one hand the enactments contained in the body of the Ballot Act are absolute, and must be obeyed exactly, yet that, on the other hand, the rules and forms in the schedule are directory merely, and it is sufficient if they be obeyed substantially. Keeping this distinction in mind, and also recollecting that the use of the cross is imperative under the Ballot Act, the court held in the above case that if there be no evidence of connivance or pre-arrangements that would vitiate a vote, a single stroke or a star may be counted as a cross, and that a returning officer may allow and count all the following marks as sufficient substantially to satisfy the statute:—(1) Two or three crosses against one name on a ballot paper, instead of one cross (thus dissenting from the decision in the *Wigtown case*, 2 O'Malley and Hardcastle, 215), in which it was held that this deviation from the statutory directions was not merely trivial or unimportant, but was a substantial failure of compliance with the law, and also a mark whereby the voter might be identified, and that the vote was, therefore, void (p. 226). (2) A single stroke, or a straight line in lieu of a cross (thus again dissenting from the *Wigtown case*, in which this kind of mark was held bad for the reason already stated). (3) A single stroke in addition to the cross (again dissenting from the *Wigtown case*). (4) A mark like an imperfect letter added to the cross. (5) A star instead of a cross. (6) A cross peculiarly formed. (7) A cross blurred or partially rubbed out, with a better formed cross added. (8) A long cross, each line whereof appeared partly in each of the two square voting spaces allowed for two candidates. Admitted as a good vote for the candidate in whose square the intersection appeared (*Berwick-on-Tweed*, 3 O'M. & H. 182). (9) A pencil line drawn through the name of one candidate and a cross marked against the name of another candidate. (10) A cross marked against one name on a ballot-paper that was torn longitudinally through the centre. (11) A cross placed on the left instead of the right-hand side of the voting paper (again dissenting from the *Wigtown case*). (12) A cross placed in the wrong space though on the right-hand (*Athlone*, 2 O'M. & H. 187). In dealing with all these cases the court repeatedly declared the principle that it must be made clearly apparent for whom the voter intended to vote, and that the form of mark is immaterial; and this is the point on which it may be assumed Lord Coleridge's doubts arise. But if this principle is correct, it is very obvious that, in carrying it out, a very large responsibility is cast on the returning officer. He is not bound to take any evidence, but may do so to ascertain whether any pre-arrangement existed as to peculiar marks on the papers by which they might be rendered invalid, and he must form the best judgment of which he is capable on the materials before him. And if he thinks any irregularities are innocent, or the results merely of ignorance or inadvertence, he may allow the votes. These difficulties are greatly intensified when applied to the cumulative votes at school board elections, where, for the most part, a considerable number of persons are voted for on each of the ballot papers, and where a great number of different signs are used. Crosses, Arabic figures, Roman numerals, straight strokes, and other marks and combinations of crosses, figures, and numerals are of common occurrence at these elections. This was well illustrated by the recent case of the Southampton School Board Election Petition (*Phillips and Another* v. *Goff*), not yet reported. In that instance there were fourteen candidates for eleven vacancies, and a number of the electors had voted by placing a single cross opposite the name of a single candidate only. Instead of counting each of these crosses as one vote only, the returning officer considered them to be "plumpers," and counted them as eleven votes each, although in every other instance he counted each cross as one vote. On the trial of the election petition for setting aside that decision, the learned commissioner (Mr. Mansel Jones, LL.B.) stated a case for the opinion of the High Court, and inquired whether in this instance the cross represented one, ten, or eleven votes. Lord Chief Justice Coleridge and Mr. Justice Denman expressed different views as to the answer that should be given, but agreed that in no case is a single cross to be counted as ten votes, and that the question as between one and eleven is a question of fact to be decided at every election by the returning officer (in this case the commissioner) in accordance with what he determines is the intention of the voter in each case, having regard to the information he has obtained from scrutinizing all the papers; and if he is in doubt as to the intention of the voter, the paper should be rejected as being void for uncertainty. In answer to other questions submitted by the commissioner, the court further decided that, where there are more crosses than one opposite the name of a candidate, each cross is to be counted as one vote; and that when a ballot paper is marked with crosses and a figure combined, the cross indicates the fact of voting, and the figure the number of votes given; also that a single stroke represents a single vote, and that two strokes represent two votes, except where, from the two strokes being the only marks on the paper, it is to be inferred that the voter intended to give his whole eleven votes to the one candidate against whose name the strokes were placed, and in that case two strokes are to be counted as eleven votes; and lastly, that, when there are more than two strokes opposite the name of a candidate, they represent a number of votes equal to the number of strokes. It is submitted that this state of the law is most embarrassing, and cannot fail to cause constant mistakes and uncertainties. If the cumulative vote is to be retained, the only remedy for the dilemma in which every returning officer throughout the kingdom is in danger of being placed appears to be that either Parliament should enact, or an amended General Order of the Education Department should provide, that in all school board elections, plain Arabic figures only shall be used, and that all voting papers otherwise marked shall be rejected.

At the conclusion of the paper he moved "That it be recommended to the council to take steps for obtaining the enactment by Parliament, or an amendment of the General Order of the Education Department, that in all school board elections only plain Arabic figures shall be used, and that all voting papers otherwise marked shall be rejected.

Mr. Lewis (Wrexham) objected altogether to voting by ballot, but we had it, and must make the best of it. He seconded the motion, which was agreed to.

Agricultural Fences.

Mr. A. E. B. Soulby (New Malton) read a paper on this subject, in which he said: It is impossible on such an occasion as the present to discuss every branch of the law of fences; I will, therefore, confine my remarks to the law as between adjoining occupiers, that branch being, to my mind, of the greatest interest, and calling most loudly for reform. As between adjoining owners or occupiers, then, the general rule is that no one is bound to fence against his neigbour's cattle; and when such an obligation does exist, it is merely an exeeption tending to prove the rule. There can be no doubt that the general rule of law is that a man is only bound to take care his cattle do not wander from his own land and trespass upon the lands of others; and, therefore, at common law he is under no legal obligation to maintain a fence for the benefit of his neighbour. The full extent of his obligation is that he must keep his cattle on his own land; and, of course, he is bound to do this, on the principle that a man is answerable not only for his own trespass, but for that of his cattle also; and if by his negligent keeping they stray upon the land of another (and much more if he permit or drive them on), and there tread down his neighbour's herbage or spoil his corn or trees, this is a trespass for which the owner must answer in damages. In order to ascertain the foundation of the doctrine that a man is not bound to fence against his neighbour's cattle we have only to glance at the system of husbandry as carried on in early times, in days when the land was common property, uninclosed, and available for the first person who chose to occupy it. In all probability the boundary between the tract of land of one occupier and the tract of his neighbour was a mere landmark, or, perhaps, altogether invisible, and existent only in the contemplation of the parties and of the law. Now, if one of these neighbouring proprietors of open land wished to till his land and grow corn, clearly he could do so without damaging his neighbour; but if he wished to rear cattle he would be obliged to erect a fence to keep them on his own land, for it would be unreasonable to expect that his neighbour should fence his land in order to keep the cattle out. Hence it is that (in the absence of special circumstances) a man is not bound to fence against his neighbour's cattle. It is true that throughout the greater part of England there is a rule recognized by farmers (though not by the courts of law) that where two fields are separated by a hedge and ditch, the tenant of the field in which the ditch is not is bound to maintain the fence for the benefit of both parties. It is true, also, that this notion is to some extent supported by a note in Petersdorff's Abridgment, to the effect that "When a hedge and ditch adjoin, in whose ground or side the hedge is, to the owner of that land belongs the keeping of the same hedge or fence in repair and secure." This, however, is generally considered not to be law at the present day, though it does not appear that the question has ever been raised in the courts; but it is submitted that Mr. Gale is correct when he says that "The only general obligation with respect to fences imposed by the common law is that every proprietor of land should prevent, by fences or other means, his cattle from trespassing on the land of his neighbours." The rule referred to is believed to be so universal as (if it be law) to be common law, and not merely a local custom; indeed, it could not be set up as a custom, because the right to have fences repaired cannot grow by custom, but only by agreement or statutory obligation. It has, however, already been stated that the rule is believed not to be law at all; and this belief is strengthened by the fact that it can easily be accounted for as follows:—When a tenant takes a farm he usually covenants to maintain and repair the fences as occasion shall require. It then becomes a question which of his boundary fences are on the land he has taken, and which on the land of his neighbour. And where two fields are separated by a hedge and a ditch, the law raises a presumption that both hedge and ditch belong to the owner of the field in which the ditch is not. The reason of this presumption is apparent, for "No man making a ditch can cut into his neighbour's soil, but usually he cuts into the very extremity of his own land: he is, of course, bound to throw the soil which he digs out upon his own land, and often, if he likes, he plants a hedge on the top of it." Hence it follows that, in such cases, the fence is usually sufficiently repaired by the tenant of the field in which the ditch is not, and this because he is bound to do so as between his landlord and himself (though not as between the neighbouring tenant and himself); and as there is already a sufficient fence between the two fields, the neighbouring tenant does not fence at all, nor does he repair the fence beyond the ditch, for, by so doing, he would be trespassing. But if the owner of the fence chose to remove it, then the tenant of the adjoining field would be obliged to take means to prevent his cattle from trespassing, such as by erecting a fence; for he does not acquire any right to have the original fence kept up merely because the owner or his tenant has repaired it for many years simply for his own benefit or in pursuance of his covenant. However, if A., having expressly or impliedly covenanted to repair certain fences which the landlord was under no obligation to repair, subsequently allowed the said fences to become ruinous and in-

sufficient for ordinary purposes, and, in consequence, the cattle of B., a neighbouring tenant, trespassed and did damage, it is possible that B. might successfully resist any action by A., on the ground of contributory negligence on the part of A.; though, on the other hand, it may well be doubted whether B. could relieve himself of his common law liability by claiming (indirectly) the benefit of a contract to which he was not a party; and on principle it is confidently submitted that he could not do so. But the state of A.'s own fences would be a substantial element in considering the question of exemplary or vindictive damages. This, then, being the broad common law, let us now inquire what are the qualifications to which it is subject. To ascertain this I cannot do better than quote *in extenso* the headnote to the somewhat recent case of *Hilton* v. *Ankesson* (27 L. T. N. S. 519 Exch.), which is as follows:—"An owner or an occupier of lands, though bound to take care that his cattle do not wander from his own land, and stray upon the land of another, is under no legal obligation to put up or maintain a fence so as to prevent the cattle of his neighbour straying upon his land; such an obligation can only be founded upon a statutory obligation, or some agreement or covenant." The most usual instances of statutory obligations to repair fences occur under section 83 of the General Inclosure Act, 1845, and section 68 of the Railway Clauses Consolidation Act of the same year. The former section seems seldom to have been the subject of litigation in the superior courts, but the latter has on many occasions occupied the attention of the judges. The extent of the obligation of railway companies, as shewn by the numerous cases, appears to be that they are bound to protect their lines with fences sufficiently strong to prevent cattle, sheep, and pigs (not of a peculiarly wandering disposition, nor under any excessive temptation), lawfully on the adjoining land, from straying off such land on to the railway, irrespective of the purpose for which such land is generally used. When the right is claimed by express agreement, usually no difficulty arises; but where the agreement is to be implied, it is exceedingly difficult to establish it, because in practice the evidence required to support such a claim is usually not forthcoming. The result of the cases is this: that the mere fact that one party has immemorially repaired a certain fence is no evidence whatever of any obligation to do so; in fact (if he be absolute owner), he may, if he choose, take down the fence altogether, and then his neighbour would be liable for the trespass of his cattle on the uninclosed field; but if there be additional circumstances, such as that the repairs were done in compliance with a requisition, then there is evidence (which may properly be left to a jury) of an obligation to repair. This evidence, though for the consideration of the jury, would be by no means conclusive, though very slight circumstances in addition to the constant repair ought to preponderate. These slight circumstances, it is submitted, need not necessarily be that the repairs have been done on notice. They might be, for instance, that the repairs cannot be accounted for otherwise than that they were done for the purpose of keeping out the neighbour's cattle, such as repairs by the owner to fences of arable land, which could not possibly be done for the purpose of keeping his own cattle in; though, of course, circumstances such as these are not nearly so strong as repairs on notice, for the owner might well say that he repaired in order to prevent the dilapidation of his property. And if such repairs were done merely by the occupier, they would generally be no evidence at all, as the occupier would only be doing what, as between his landlord and himself, he was bound to do. In conclusion, he suggested that all boundary fences should be placed under statutory control. The comparative success of the fencing clauses of the Inclosure and Railway Acts is a strong argument in my support. When her Majesty's Government is able to spare time for the consideration of English matters, in all probability there will be passed a measure of local self-government, establishing boards for the administration of affairs in each county or division of a county. I would give each board jurisdiction over the fences within its district; and by analogy to the Inclosure Acts, let each board have power to order at whose expense the boundary fences and ditches of property shall be maintained, and by whom new fences shall be erected where necessary; and if the person so ordered fail to comply with the requirements of the board the adjoining occupier might, after due notice, proceed to make or repair such fences or ditches himself, and recover all the expenses of so doing from the owner or occupier so neglecting his duty. I would also give the board discretion to order the entire reconstruction of fences where much dilapidated; and when a new fence is made, or an old one reconstructed, I would give the board power to require the fence to be of particular material and within certain dimensions. At present, where there is a wide quick-set hedge, there is often a quantity of waste land on each side and the hedge itself occupies a considerable amount of space. Where such hedges are not required for shelter they might gradually be replaced by posts and rails, or iron fencing, and thus a considerable quantity of land now unavailable might be made available for cultivation. This would be good land that would pay for cultivation, and more worthy of notice than are soils which have gone out of cultivation, or never been cultivated, only because they are so poor that it does not pay to work them. This might be an expensive method of fencing in the first instance, but recollect these fences would require far less repair, would need no slashing, and, above all, would not shelter thistles, nettles, and other weeds inimical to agriculture, for which the bottoms of quick-set fences form so excellent a harbour of refuge.

Mr. COULTON moved: "That this meeting is of opinion that the law relating to boundary fences is unsatisfactory, and that Mr. Soulby's suggestions deserve careful consideration."

Mr. DAY (London) objected to any resolution being passed that would hamper further action. It would be impolitic to bind themselves to any hard and fast rule.

Mr. J. HUNTER (London) having spoken,

Mr. HASTIE (London) spoke against over-legislation.

Mr. MANN (Sunderland) seconded the motion, which was negatived.

BILLS OF SALE.

Mr. WHITE (London) read an excellent paper on this subject, which we hope to print in full hereafter. He concluded by moving: "That this meeting recommends the council to use their influence in promoting the reform of the law relating to bills of sale."

Mr. J. H. KENION (Liverpool) seconded the motion.

Mr. HOWLETT (Brighton) spoke of the Bills of Sale Act as an Act for the abolition of bills of sale.

Mr. W. M. WALTERS (London) thought the council should not be made responsible for the details of the Bills of Sale Act. The difficulties referred to had arisen from the way in which the Bill was drawn and the ridiculous decisions of the judges.

Mr. SOULBY (Malton) spoke in support of the motion.

Mr. SPYER (London) said the object of the statute was no doubt to get rid of bills of sale, and he thought that would be a good thing.

Mr. MILLS (Huddersfield) said the Act had its origin in the Association of Chambers of Commerce. The commercial community had suffered so much from bills of sale that they wanted to put an end to them. He thought personal property was as much entitled to be dealt with by the owner as real property.

Mr. GODDEN said the council had already a draft of a Bill for reforming the law in this respect, which they would push through Parliament at the earliest possible moment. The Act of 1882 said that no bill of sale should be given for less than £30. He would suggest that one should be passed so that no bill of sale should be given for more than £100; then there would be a margin where no bill of sale could be given.

Mr. LOWNDES (Liverpool) suggested that the society should bring in the Bill in the House of Lords, and not in the House of Commons, where it was in danger of being maltreated in Committee.

Mr. STANTON said there was at present no definition of trade machinery. It would be desirable they should have this.

Mr. WHITE, in reply, had never been able to see why a man who had £20 worth of furniture should not be able to borrow money on it. Under the Act of 1878 bills of sale were a reasonably safe security.

The motion was agreed to.

TAXATION OF REAL ESTATE.

Mr. THOMAS JEPSON (Manchester) read a paper on this subject, in which he said:—Lands, buildings, and fixtures thereon, are made to support the poor; to erect and maintain workhouses, county lunatic asylums, shire halls, town halls, assize courts, police courts, museums, art galleries, public offices, public parks, board schools; to defray the expenses of maintaining and prosecuting criminals, the paving of streets, repairs of highways, building and repairing bridges, the lighting and watering the streets and highways, maintaining the constabulary; and to pay the salaries and wages of stipendiaries, recorders, coroners, and a host of other officials, national, municipal, and suburban. The most notable of the rates is the poors rate. Provision was originally made for the poor by devoting a fourth of the tithes of every parish to that purpose under the direction of the minister and churchwardens, assisted by other principal inhabitants. Acts of Parliament were ultimately passed for providing for the maintenance of the poor. That of 43 Eliz. c. 2 directed, "The taxation of every inhabitant, parson, vicar, and other, and every occupier of lands, houses, tithes, impropriate propriations of tithes, coal mines, or saleable underwoods in the said parish." Every inhabitant being rateable under that statute, stock-in-trade yielding a profit, and ships at their port were rateable until by the Act of 3 & 4 Vict. c. 89 profits arising from stock-in-trade are now no longer rateable, and that exemption, of course, includes ships. Thus personalty became altogether exempt from poors rate. And, since that exemption, not only have lands and buildings borne the whole of the poors rate and county rate, but, at different periods, further impositions—namely, succession duty, the maintenance of board schools, water rates, and rates laid by the local boards have been imposed upon real estate. The county rate is payable out of the poors rate. It may be stated in general terms that land, buildings, fixed machinery, canals, pipes in land, tramways, telephone wires, advertising hoardings, docks, commons rights of pasture, tolls, fisheries, ferries, bridges, tithes, mines, underwoods, are all rateable. These rates have become most oppressive. In some towns they amount to as much as 6s. and upwards in the pound of the annual value, causing the depreciation of real estate to an alarming extent. Besides these rates, the owner or occupier of real estate has to pay tithes, or tithe rent-charge, land tax, inhabited house duty, and succession duty. The land tax was originally levied not only upon lands and tenements, but also upon all "persons, bodies politic, and corporate guilds and fraternities having an estate in ready money, or in any debts whatsoever, or having any estate in goods, wares, merchandise, or other chattels or personal estate," at the rate of 4s. in the pound. By the statute 38 Geo. 3, c. 5, s. 1, the sum fixed to be paid on lands and tenements in Great Britain was £2,037,627 9s. 0½d., being at the rate of 4s. in the pound. But by the Act 3 Wm. 4, c. 12, the levying of land tax on personal estate are abolished. The mode in which land tax is now levied is most unjust. Lands in the purely agricultural districts, where the land has not increased in value, are charged as much as lands in the districts where the land, having become building land, has risen to five hundred times its former value. As before observed, the poors rate was originally levied upon each inhabitant, and the land tax (4s. in the pound) was payable from personal estate as well as from real estate. Doubtless there was, in earlier times, a serious difficulty, and

much expense incurred, in levying such taxes and rates upon pure personal estate. But now that we have, and it is to be hoped shall continue to have, a property tax and an income tax, there exists no great difficulty in levying rates upon the payers of income tax. It would be only reasonable that the capitalist, the owners of ground-rents, the fundholder, the shareholder, the loan holder, the mortgagee, and, in fact, all those in receipt of an income, should contribute their fair share in discharge of some of these burdens which press so heavily upon real estate. For instance, the maintenence of the poor, the erection and maintenance of public buildings, the support of board schools, the maintenance of pauper lunatics, the maintenance, charge, and prosecution of criminals, the paving, repairing, and lighting (but not the sewering) of streets, the maintenance of the police and the payment of salaries, all constitute expenses which may justly be imposed upon the payers of income tax as well as upon real estate, because they are all matters in which the community at large have a direct interest.

He moved "That the attention of the council be directed to the excessive taxation of real estate."

Mr. COULSON seconded the motion.

Mr. HOWLETT (Brighton) thought this was not a proper subject for discussion. It was a semi-political question.

Mr. DAY (London) was of the same opinion.

The motion was negatived.

LOCAL JUDICATURE.

Mr. COULTON (Lynn) read a paper on this subject, in which he made the following suggestions:—Assuming the continuance, substantially in its present form, of the Statutory County Court, I suggest:—1. That unless within eight days after service of summons, inclusive of the day of such service, defendant files a sworn answer denying the claim and stating good grounds of defence, judgment be given for plaintiff. The answer to be considered as filed if sent by post, registered, to the registrar, so that in the ordinary course of post it would reach him before or on the eighth day. 2. That the summons may be issued from any county court, the answer being filed in the same court, and the trial, if any, taking place in the court or one of the courts from which the summons may now issue. 3. That the discretionary power conferred by statute 45 & 46 Vict. c. 57, s. 5, to award costs on the higher scale to plaintiff or defendant on any amount recovered or claimed, however small, be limited to cases in which notice of intention to apply for such costs is given with the summons or answer, such notice enabling the judge to award such costs either for or against the party giving it. 4. That the registrar be empowered to try defended actions of debt in which the sum in dispute does not exceed £5, and costs on the higher scale are not claimed; and that no appeal lie from his judgment. 5. That the court fees be from time to time regulated so as to raise no more money than is required for the support of the establishment. 6. That the judges be not attached to a circuit, but change frequently like the judge of assize. 7. That appeals from the county court be heard before three judges of the High Court; their judgment, if unanimous, to be final, unless it conflicts with some case already decided by a court of equal or higher jurisdiction, in which case an appeal would lie to the Lord Chancellor. In case of difference among the three judges the appeal to be dismissed, with a final appeal to the Lord Chancellor. 8. That every appellant give such security to prosecute his appeal and abide the result as the court whose judgment is questioned shall direct. 9. That as vacancies or other opportunities occur, the Common Law County Court (including the civil functions, judicial and executive, of the sheriff), the civil side of the quarter sessions, the district registries of the High Court, including probate registries, the revision courts, and such borough courts of record as exist, be consolidated with the Statutory County Court. He concluded with some remarks of a more general character:—I submit that our judicial system would gain in simplicity, economy, and dispatch, if the powers and responsibilties of the county court registrars were gradually augmented, so that the attention of judges might be reserved for matters of difficulty or importance. This would be a step in the direction, which seems to me a very desirable one, of placing them on a level with the judges of the High Court. A further reform, long talked of, and, in my judgment, most desirable, would be to relieve the Lord Chancellor of his judicial duties, leaving him his high political functions, and to provide that no judge should sit in either House of Parliament. The chief justice might then form the ultimate court of appeal, without original jurisdiction. And if, in all appeals, the first court were to consist of three judges of co-ordinate jurisdiction with the judge of first instance, and a second appeal were allowed only in the cases mentioned in my seventh suggestion, the unsuccessful suitor would feel that his case was decided by a due preponderance of authority, and the successful one would not complain of an appeal which was justified by an equal division of opinion in the courts below. Ultimately the civil business of the assizes, and perhaps also the criminal business of the assizes and quarter sessions, the judicial business of the petty sessions, and the executive duties of the sheriff in criminal cases might be transferred to the county courts, and appeals from Scotland, Ireland, and the colonies, to the courts of appeal. We should then have three courts only—the county court, before a single judge; the first court of appeal, civil and criminal, Scotch, Irish, and colonial, before three judges; and the final court of appeal, before the chief justice. These three courts would form the High Court of Justice, and all proceedings, civil and criminal, would be entitled in that court, the second and subsidiary title being the county court of Norfolk at Lynn, the first court of appeal, or the final court of appeal as the case might be.

VOTES OF THANKS.

Mr. WALTERS moved, and Mr. GRINHAM KEEN seconded, a vote of thanks to the Yorkshire Law Society for their hospitality.

Mr. STANTON moved, and Mr. BARKER seconded, a vote of thanks to the Reception Committee.

Mr. BELLRINGER moved, and Mr. DAY seconded, a vote of thanks to the Lord Mayor of York.

Mr. GODDEN moved, and Mr. KENION seconded, a vote of thanks to Lord Wenlock for the reception he had afforded to the members who attended the excursion to Escrick-park.

Mr. JEVONS moved, and Mr. MILNE seconded, a vote of thanks to the Dean of York and the other gentlemen who had conducted parties over the cathedral.

Mr. HUNTER moved, and Mr. MILES seconded, a vote of thanks to the readers of papers.

Mr. HOWLETT moved, and Mr. LOWNDES seconded, a vote of thanks to the Press.

The whole of these motions were heartily adopted, and the proceedings terminated.

On Monday evening the Lady Mayoress received the members in the Guildhall, and there was afterwards a dance. On Tuesday a dinner was given in the Guildhall, the President of the Yorkshire Law Society presiding, and nearly three hundred gentlemen were present; and on Wednesday evening a ball was given at the Guildhall. Excursions were made to Ripon and Fountains Abbey, to Whitby, Scarborough, and Escrick-park, and parties were conducted over the cathedral and other places of interest in the town.

SOLICITORS' BENEVOLENT ASSOCIATION.

The fifty-seventh half-yearly meeting of this association was held on Wednesday in the Central Hall, Institute of Science and Art, York, Mr. J. Anderson Rose, chairman of the association, presiding.

The report which was laid before the meeting stated that during the six months ending August 31, 1886, 114 new members had been admitted, making a total of 3,014; of these 1,064 were life, and 1,950 annual subscribers: 53 life members were also contributors of annual subscriptions ranging from one to ten guineas each. The receipts during the past half-year had amounted to £2,679 2s. 9d., which, added to those of the preceding six months, made a total of £4,579 14s. 9d. for the whole year. The invested capital amounts to £45,979 19s. 9d., as detailed in the abstract of accounts. There is also the sum of £5,048 10s. 5d. Metropolitan Three and a-Half per Cent. Stock, produced by the investment of the Reardon Bequest. 111 cases had been relieved during the half-year, many of them being of a most distressing nature, and the amount given was much in excess of that for any previous corresponding period. Of the £2,407 distributed, £700 was given in the relief of 15 cases of members or their families, and £1,707 in 96 cases of non-members or the families of non-members. The usual sum of £75 had been duly paid to annuitants from the income of the late Miss Ellen Reardon's Bequest, and the first year's payment of "The Hollams Annuity" of £28 had also been awarded.

The CHAIRMAN, in moving the adoption of the report, referred to the fact that at several consecutive meetings a feeling had been expressed that the investment fund need not be further increased. As a result no investment had been made during the past year except a small sum of £225, which had been invested before the resolution dealing with the subject had been passed. Having spoken highly of the care exercised by the directors in the distribution of the funds of the charity, he trusted that the society would always be prepared to assist the cases of non-members and their families, who were generally more in need of such assistance than were the members and their families.

Mr. H. G. WARE (York) seconded the motion.

Mr. G. R. DODD (London) supported, in the course of his remarks referring to the fact that Mr. Gregory, at the last annual festival, had referred to the association rather as an insurance society. He would be glad to hear whether there was any change of policy on these lines.

The CHAIRMAN said that it was the rule to deal with the cases of members first, and then to take those of non-members.

Mr. HARPER (Bury) moved, and Mr. DODD seconded, a vote of thanks to the directors for their services during the past year.

Mr. BRAMLEY spoke in support, and the motion was carried unanimously.

Mr. SHIRLEY (Doncaster) moved, and Mr. P. E. SANKEY (Margate) seconded, a vote of thanks to the auditors, which was agreed to.

Mr. WALTERS (London) moved, and Mr. H. ROSCOE (London) seconded, a vote of thanks to Mr. Gregory for presiding at the annual festival in June last, which was adopted.

Mr. PENNINGTON (London) moved a vote of thanks to the Chairman, speaking in high terms of the value of his services to the association.

Mr. WOODHOUSE (Hull) seconded the motion, which was carried with acclamation, and, the CHAIRMAN having briefly responded, the proceedings terminated.

LAW STUDENTS' JOURNAL.

UNITED LAW STUDENTS' SOCIETY.

On Monday last Mr. Kains-Jackson moved "That the introduction of the 'modern side' into our public schools is opposed to the true principles of a liberal education." Mr. W. S. Shirley, M.P., Mr. Maggs, Mr. Lazarus, and others opposed the motion, which was negatived by a majority of three votes.

LEGAL APPOINTMENTS.

Mr. Thomas Cyprian Williams, barrister, who has been appointed Lecturer on the Law of Real Property to the Liverpool Board of Legal Studies, is the fourth son of the late Mr. Joshua Williams, Q.C., and was born in 1854. He was educated at Trinity College, Cambridge. He was called to the bar at Lincoln's-inn in January, 1877, and he practises as an equity draftsman and conveyancer.

Mr. Walter Nolan, solicitor, of Dublin and Cahir, has been appointed Sessional Crown Solicitor for the county of Tipperary. Mr. Nolan was admitted a solicitor at Dublin in 1876.

Mr. Joseph Alexander, solicitor, of Enniskillen, has been appointed Sessional Crown Solicitor for the county of Fermanagh. Mr. Alexander was admitted a solicitor at Dublin in 1846.

Mr. Francis Augustus Chatwin (of the firm of Rowley & Chatwin), of Birmingham, has been appointed a Perpetual Commissioner for taking the Acknowledgments of Deeds by Married Women for Warwickshire, Worcestershire, and Staffordshire.

Mr. William Picton Evans, solicitor, of Cardigan, has been appointed a Perpetual Commissioner for Cardiganshire and Pembrokeshire for taking the Acknowledgments of Deeds by Married Women.

Mr. Odden Frederick Read, solicitor, of Cambridge, Newmarket, Mildenhall, Thetford, and Brandon, has been appointed Steward of the Manor of Mildenhall. Mr. Read was admitted a solicitor in 1870. He is registrar of the Mildenhall County Court, and clerk to the Mildenhall Highway Board.

PARTNERSHIPS DISSOLVED, &c.

Hugh Rogers Hartley and Frederick Edmund Alexander Cavell, solicitors (Hartley & Cavell), 21, College-hill, London. October 5.

Francis Smith, William Alderley Boyer, Edward Henry Preston, and Arthur Clowes Knight Smith, solicitors (Smith, Boyer & Co.), Manchester. The partnership business will in future be carried on by William Alderley Boyer, Edward Henry Preston, and Arthur Clowes Knight Smith, under the style of Boyer, Preston, & Smith. September 30.
[*Gazette*, Oct. 8.]

LEGAL NEWS.

The total amount of the defalcations of Mr. Curteis, the clerk to the Stonehouse Local Board, in money belonging to the board, is stated to be £14,700.

Arrangements have been made for a "Domesday Commemoration," during the last week of the current month—viz., from Monday, the 25th, to Friday, the 29th inst. On Monday afternoon at 3 p.m., the committee and those who take part in the proceedings will pay a preliminary visit to the Public Record Office in Fetter-lane, when the Domesday Book and MSS. relating to it will be exhibited by the authorities in whose custody they are preserved, and a paper on the book will be read by Mr. Hubert Hall. Subsequently other papers are to be read.

The *Times* says of the York meeting:—"More than once we have had occasion to note the many signs of life and vigour in the annual meetings of the Incorporated Law Society, and the useful work done at these provincial gatherings. No declension is to be observed in the meeting at York. Not a few of the papers were valuable; the discussion, if occasionally too timid and discursive, could not but be, on the whole, good, for the members talked of matters which it is the concern of their lives to know. That busy lawyers should sacrifice any part of their holidays to go to York, or other provincial cities, and read or hear papers about legal questions, and that, instead of taking the law as they find it, with all its defects, they should be sedulously debating proposed reforms, and drawing the attention of the Legislature to blemishes which have come to light in the course of the year, may awaken the amazement, and perhaps the scorn, of solicitors of the old school. To those who hug the prejudice that lawyers delight in and fatten upon the dark and dismal doctrines of their science, a study of the proceedings at York may be recommended. They will find, and the fact reappears year after year, no small amount of intelligent interest in the promotion of reforms which it it supposed to be the interest of lawyers to obstruct."

The *Central Law Journal*, in the course of an excellent article on "Criticism of Judges," says:—"When we subject the work of judges to a just and fair criticism we not only strengthen and purify the administration of justice, but supply the *stimulus* upon which alone improvement is possible. And if a judge is tyrannical, or peevish, or impatient, anyone may well say so. In England, lately, a judge upon the bench took exception to the conduct of a solicitor, lost his patience—which seems, however, to have been no very great loss—and fell to scolding like a very Billingsgate fishwoman."

COMPANIES.

WINDING-UP NOTICES.

JOINT STOCK COMPANIES.
LIMITED IN CHANCERY.

Alcombe Waterworks Company, Limited.—Petition for winding up, presented Oct 6, directed to be heard before Bacon, V.C., on Oct 30. Radcliffes and Co, Craven st, Charing cross, solicitors for the petitioner

Bristol Channel Steam Towing and Trawling Company, Limited.—Petition for winding up presented Oct 1, directed to be heard before Bacon, V.C., on Oct 30. Clarke and Co, Lincoln's inn fields, agents for Fred Vaughan, Cardiff, solicitor for the petitioner

Daniel Haywood and Sons, Limited.—By an order made by Grantham, J., dated Sept 22, it was ordered that the above named be wound up, and that John Young be continued official liquidator. Lumley and Lumley, Old Jewry chbrs, solicitors for the petitioner

Eastern Counties Land and Investment Corporation, Limited.—Petition for winding up, presented Sept 21, directed to be heard before Chitty, J., Oct 30. Layton & Co, Budge row, solicitors for the liquidator

Hatchett's Hotel Company, Limited.—By an order made by Grantham, J., dated Sept 29, it was ordered that the company be wound up, and that Edward Moore be continued provisional liquidator until an official liquidator shall have been appointed in chambers. Ingram and Co, Lincoln's inn fields, solicitors for the petitioners

Indian, Kingston, and Sandhurst Gold Mining Company, Limited.—Chitty, J., has by an order, dated July 29, appointed John Young, 4, Coleman st, to be official liquidator in the place of Edmund Charles Chatterley, removed

Vacuum Pump and Ice Machine Company, Limited.—Grantham, J., has, by an order dated Sept 23, appointed Mr Charles Lee Nichols, 1, Queen Victoria st, to be official liquidator
[*Gazette*, Oct. 8.]

Bedford Park, Limited.—By an order made by Stirling, J., dated Sept 8, it was ordered that the voluntary winding up of the company be continued. Rowland, solicitor for the petitioner

Birchills Hall Iron Company, Limited.—Petition for winding up, presented Oct 7, directed to be heard before Chitty, J., on Oct 30. Smiles and Co, Bedford row, agents for Duignan and Elliot, Walsall, solicitors for the petitioner

District Bank of London, Limited.—Petition for winding up, presented Oct. 6, directed to be heard before North, J., on Oct. 30. Hastie and Crawfurd, Carey st, Lincoln's inn, solicitors for the petitioner
[*Gazette*, Oct. 12.]

STANNARIES OF CORNWALL.
LIMITED IN CHANCERY.

Duchy Peru, Limited.—Petition for winding up, presented Oct. 1, directed to be heard before the Vice-Warden, at the Princes Hall, Truro, on Tuesday, Oct. 19, at 10. Hodge and Co, Truro, agents for Wild and Co, Ironmonger lane, solicitors for the petitioner
[*Gazette*, Oct. 8.]

FRIENDLY SOCIETIES DISSOLVED.

Catholic Benevolent Sick Society, Hill st, Coventry, Warwick. Sept 27

East London Union Burial Society, 92, Cable st, St George's East. Oct 2

Liverpool Hairdressers' Friendly Sick and Burial Society, 37, Hunter st, Liverpool. Oct 2

Navy Lodge, I.O.O.F.M.U., Brown Cow Inn, Milkstone, Rochdale, Lancaster Oct 4

Red Lion Friendly Society, Red Lion inn, Clwyd st, Ruthin, Denbigh. Oct 2

Rowley Regis Benefit Society, Rowley Regis National and Infant's Schoolroom, Stafford. Oct 4

True Briton Lodge, Nottingham Ancient Imperial United Order of Odd Fellows, Old Ship Inn, Worksop, Nottingham. Oct 4
[*Gazette*, Oct. 8.]

Bow Industrial Co-operative Society, Limited, 240, Roman rd, Bow. Oct 8

Friendly Society, Victoria Hotel, Draycott, Derby. Oct 6

Loyal Union Benefit Society, Cherry Orchard Inn, St George's, Bristol. Oct 5

Queen's Benefit Society, Turvey Abbey, Turvey, Bedford. Oct 5
[*Gazette*, Oct. 12.]

CREDITORS' CLAIMS.

CREDITORS UNDER 22 & 23 VICT. CAP 35.
LAST DAY OF CLAIM.

Ball, James, Westbourne, Sussex, Master of the Union. Nov 4. Edgcombe and Co, Portsea

Barrett, John, Southsea, Gent. Nov 9. Pearce and Son, Portsea

Blake, Harriett, Botusfleming, Cornwall. Dec 4. Sole and Gill, Devonport

Bowron, Stephen George, Ferndale, Sussex, Gent. Nov 14. Lawrance and Co, Old Jewry chmbrs

Brown, Jane, Crown st, Newcastle upon Tyne. Nov 30. Chartres and Youll, Newcastle upon Tyne

Burrow, Elizabeth Isabella, Well st, South Hackney. Oct 30. Hubbard, Chancery lane

De Paris, Louise Marie, Brighton. Oct 31. Reed and Reed, Guildhall chmbrs, Basinghall st

Donaldson, Alexander, Liverpool, Engineer. Nov 12. Evans and Co, Liverpool

Elias, Daniel, Southport, Lancaster, Doctor of Medicine. Oct 31. Jevons and Ryley, Liverpool

Evans, Ann, Swansea. Oct 20. Collins and Woods, Swansea

Fendall, Mary Ann, Rose villas, Ealing. Dec 1. Saxton and Morgan, Somerset st, Portman sq

Gill, Joseph, Barmbrough, York, Yeoman. Nov 15. Saunders and Co, Wath upon Dearne, nr Rotherham

Hodgson, Nathaniel Thomas Lumley, Highthorn, Husthwaite, York, Esq. Nov 8. Brown and Elmhirst, York

Horner, Judith Ann, Scarborough, York. Oct 23. England and Co, Hull

Jewitt, Llewellynn, Duffield, Derby, Gent. Nov 1. Jewitt, Matlock

Lee, John, Shadyside, Walthamstow, Boot Manufacturer. Nov 15. Shaen and Co, Bedford row

Lockett, Thomas, Macclesfield, Chester, Retired Engineman. Nov 20. Hand, Macclesfield

Luckraft, Charlotte Hannah, Newton Bushell, Devon. Nov 2. Clarke and Sons, Bristol

Madden, Christopher Joseph, Northwick terrace, Esq, M.D. Nov 8. Laundy and Co, Cecil st, Strand

Moxon, Sarah, Kirkheaton, nr Huddersfield. Dec 1. Mosseley, Huddersfield

Penketh, Alice, Chester. Nov 30. Birch and Co, Friars, Chester

Perks, Thomas, the elder, Birmingham, Jeweller. Nov 16. Cottrell and Son, Birmingham

PLEWS, JANE, Newcastle upon Tyne. Nov 12. Rhagg, Newcastle upon Tyne
ROBINSON, EDWIN, Sydenham hill, Surrey, Esq. Dec 1. Mackrell and Co, Cannon st
ROBINSON, HENRY THOMAS, Leyburn, York, Esq. Dec 31. Burrill and Maughan, Middleham
TATE, WILLIAM, Lincoln, Gent. Nov 20. Bell and Ingoldby, Louth
WALKER, RICHARD, Elland, Halifax, Gent. Nov 1. Lancaster and Wright, Bradford
WHITE, MARY ELIZABETH, Hexham, Northumberland. Oct 26. Baty, Hexham
WILLOUGHBY, FREDERIC, Linden villas, Peckham, Notarial Clerk. Nov 13. Gush and Co, Finsbury circus
WRENCH, MARY BUXTON, Folkestone, Kent. Nov 5. Desborough and Son, Finsbury pavement
WYMOND, WILLIAM, Saltash, Cornwall, Gent. Dec 4. Sole and Gill, Devonport
[*Gazette*, Oct. 5.]
BEACH, JOHN, Aberdeen Park rd, Highbury. Nov 21. Barton Browne, Chancery lane
BELL, EDWARD ÆNEAS, Neston, Chester, Gent. Jan 1. Morecroft and Winstanley, Liverpool
BOSTON, JOHN, Walthamstow. Dec 1. Phipos, Farringdon st
BROWN, RICHARD, Swillington, York. Nov 16. Harland, Leeds
BROWNE, MARIA, St Leonard's on Sea. Nov 18. Langham, Hastings
BURROW, WILLIAM, Honiton, Devon. Nov 10. Every, Honiton
CHARTERIS, HARRIETT, Bournemouth. Nov 6. Boote and Edgar, Manchester
CLENDINNING, MARIA, Lamont rd, Chelsea. Nov 20. Stock, Queen Victoria st
COOPER, LEWIS, Reading, Wine and Spirit Merchant. Nov 15. Cooper and Walker, Birchin lane
COTTON, WILLIAM, Barking, Essex, Yeoman. Nov 20. Preston, Great Eastern rd, Stratford
DAVIES, HERBERT, Ebbw Vale, Monmouth, Contractor. Nov 20. Dauncey, Tredegar, Mon
DICKINSON, GEORGE, Bushton, nr Tarporley, Chester, Boot Maker. Dec 1. Yearsley, Warrington
DUGDILL, JOHN, Burnsall, York, Farmer. Dec 31. Heelis and Thompson, Skipton
FORDHAM, JOHN HAMPDEN, Stone bldgs, Lincoln's inn. Nov 20. Ware and Co, Great Winchester st
GUSTON, GEORGE MATTHEWS, Boscobel gdns, Regent's park. Oct 30. Dawson, Hart st, Bloomsbury sq
HAIGHTON, RICHARD, Mitton, Lancaster, Farmer. Dec 9. Easthams and Aitken, Clitheroe
HAYLOCK, MARY, Saffron Walden, Essex. Oct 30. Freeland and Bellingham, Saffron Walden
HUSSEY, WILLIAM BRODIE, Watling st, Gent. Nov 11. Giraud, Faversham
JACOBS, JOHN, Old Kent rd, China Dealer. Nov 1. Canwarden, Jewin st
JOHNSON, BURLEY, Guisborough, York, Gent. Nov 23. Buchannan and Richardson, Guisborough
KING, EDWARD, Churchfield rd, East Acton, Gent. Nov 15. Pocock, Basinghall st
MCKENZIE, EDWARD, Avenue rd, Lewisham, Kent, Staff Commander. Nov 6. Leighton, Clifford's inn
NEWTON, RICHARD, Chorlton upon Medlock, Manchester, Gent. Nov 1. Simpson and Son, Manchester
NIGHTINGALE, MARIA ALICIA JOHANNA, Ludlow, Salop. Dec 1. Anderson and Co, Ludlow
PARKER, ROBERT, Oldham, Publican. Oct 13. Taylor, Oldham
PHILLIPS, MARY, Reading. Nov 10. Beale and Martin, Reading
RUSHWORTH, THOMAS, Cheetham, nr Manchester, Brush Manufacturer. Nov 1. Simpson and Son, Manchester
SMITH, JOHN, Sheffield, Composition Maker. Nov 15. Clegg and Sons, Sheffield
SUMMERS, JOSIAH, Cambridge, Coach Maker. Nov 15. Ellison and Burrows, Cambridge
WEBSTER, JOSEPH, Nottingham, Gent. Nov 10. Martin and Sons, Nottingham
[*Gazette*, Oct. 8.]

FEE, TWO GUINEAS, for a sanitary inspection and report on a London dwelling-house. Country surveys by arrangement. The Sanitary Engineering and Ventilation Company, 115, Victoria-street, Westminster. Prospectus free.—[ADVT.

FURNISH ON NORMAN & STACEY'S HIRE PURCHASE SYSTEM; No Deposit; 1, 2, or 3 years; 60 wholesale firms. Offices, 79, Queen Victoria-street, E.C. Branches at 121, Pall Mall, S.W., and 9, Liverpool-street, E.C.—[ADVT.

SALES OF ENSUING WEEK.

Oct. 20.—Messrs. EDWIN FOX & BOUSFIELD, at the Mart, at 2 p.m., Leasehold Properties (see advertisement, Oct. 2, p. 778).
Oct. 22.—Messrs. BAKER & SONS, at the Mart, at 2 p.m., Freehold and Leasehold Properties (see advertisement, this week, p. 4.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTH.

HEDDERWICK.—Oct. 7, at 2, Notting-hill-terrace, W., the wife of T. C. Hedderwick, barrister-at-law, of a daughter.

MARRIAGE.

PARKER—MEW.—Oct. 4, at the British Embassy, Paris, Robert William Parker, solicitor, Tottenham, to Louisa Agnes, daughter of J. A. Mew, late of Newport, I.W.

LONDON GAZETTES.

THE BANKRUPTCY ACT, 1883.
FRIDAY, Oct. 8, 1886.
RECEIVING ORDERS.

Banister, Albert, Newgate st, Butcher. High Court. Pet Oct 4. Ord Oct 4. Exam Nov 17 at 12.30 at 34, Lincoln's inn fields
Barnes, Thomas, Brighton, Marine Store Dealer. Brighton. Pet Oct 2. Ord Oct 4. Exam Oct 28 at 11
Barton, Thomas, Sutton, nr Macclesfield, Silk Manufacturer. Macclesfield. Pet Sept 1. Ord Oct 4. Exam Oct 19 at 11
Blewett, John, St Neot, nr Liskeard, Cornwall, Farmer. East Stonehouse. Pet Oct 8. Ord Oct 8. Exam Oct 27 at 11
Bloomfield, Charles, High st, West Norwood, Bootmaker. High Court. Pet Oct 4. Ord Oct 4. Exam Nov 17 at 12.30 at 34, Lincoln's inn fields
Brierley, Squire, Rochdale, Lancashire, Engine Tenter. Oldham. Pet Oct 4. Ord Oct 5. Exam Nov 9 at 11.30
Camm, William, Llanfaes, Brecon, Innkeeper. Merthyr Tydfil. Pet Oct 5. Ord Oct 5. Exam Oct 20
Carter, Josiah, Leeds, Commercial Traveller. Leeds. Pet Oct 4. Ord Oct 4. Exam Nov 2 at 11
Champion, Edwin, Bearsted, Kent, Farmer. Maidstone. Pet Oct 5. Ord Oct 5. Exam Nov 5
Daniel, Thomas, Aberdovey, Merioneth, Ironmonger. Aberystwith. Pet Oct 5. Ord Oct 5. Exam Nov 2 at 1.15
Edwards, William Osbert, Ruthin, Denbigh, Solicitor. Wrexham. Pet Oct 5. Ord Oct 5. Exam Nov 16
Ellwood, William, North Shields, Saddler. Newcastle on Tyne. Pet Oct 5. Ord Oct 5. Exam Oct 19 at 11
Fieldhouse, Thomas, Rotherham, Yorks, Shoemaker. Sheffield. Pet Oct 2. Ord Oct 5. Exam Oct 28 at 11.30
Galbraith, John James, Walton, nr Liverpool, Grocer. Liverpool. Pet Oct 5. Ord Oct 6. Exam Oct 21 at 11 at Court house, Government bldgs, Victoria st, Liverpool
Giannazzi, Augustus, Conduit st, Regent st, Jeweller. High Court. Pet Sept 29. Ord Oct 4. Exam Nov 19 at 11.30 at 34, Lincoln's inn fields
Gilding, Matthew, Ramsey, Huntingdon, Grocer. Peterborough. Pet Oct 6. Ord Oct 6. Exam Oct 25 at 2
Giles, Sidney, Abergavenny, Mon, Grocer. Tredegar. Pet Sept 18. Ord Oct 4. Exam Nov 5 at 2.30 at County Court Office, Tredegar
Hodgson, Thomas, Amhurst rd, Stoke Newington. Commission Agent. High Court. Pet Oct 4. Ord Oct 4. Exam Nov 19 at 11.30 at 34, Lincoln's inn fields
Kingston, Henry, Staple hill, Gloucester, Coachbuilder. Bristol. Pet Oct 5. Ord Oct 5. Exam Oct 29 at 12 at Guildhall, Bristol
Lambourne, Edward, Birmingham, Chair Manufacturer. Birmingham. Pet Oct 5. Ord Oct 5. Exam Nov 4 at 2
Maden, Margerison, Manningham, Bradford, Coal Dealer. Bradford. Pet Oct 4. Ord Oct 5. Exam Nov 12
Miller, William Eaton, Howden, Yorks, Draper. Kingston upon Hull. Pet Oct 4. Ord Oct 5. Exam Oct 25 at 3 at Court house, Townhall, Hull
Orbell, James, Southend, Coal Merchant. Chelmsford. Pet Aug 27. Ord Oct 4. Exam Oct 16 at 11 at Shirehall
Parkin, Henry William, Sheffield, Provision Dealer. Sheffield. Pet Oct 5. Ord Oct 5. Exam Oct 28 at 11.30
Phillips, James, Durham, Painter. Durham. Pet Oct 5. Ord Oct 5. Exam Oct 26 at 2.30
Pierce, John, Birkenhead, Builder. Birkenhead. Pet Oct 4. Ord Oct 4. Exam Oct 13 at 11
Roebuck, Henry, York, Carver. York. Pet Oct 4. Ord Oct 4. Exam Oct 22 at 11.30
Rowell, Jane, Brunton Farm, Northumberland, Widow. Newcastle on Tyne. Pet Sept 10. Ord Oct 4. Exam Oct 14 at 11
Settle, Sarah Ann, Kingston upon Hull, Schoolmistress. Kingston upon Hull. Pet Oct 6. Ord Oct 6. Exam Oct 25 at 3 at Court house, Townhall, Hull
Sheard, George Henry, Mirfield, Yorks, Grocer. Dewsbury. Pet Oct 6. Ord Oct 6. Exam Oct 26
Shields, Richard, Leeds, Solicitors' Clerk. Leeds. Pet Oct 4. Ord Oct 4. Exam Nov 2 at 11
Smith, George, Manchester, Perambulator Manufacturer. Manchester. Pet Oct 6. Ord Oct 6. Exam Oct 23 at 10.30
Tadman, Richard, Normanton, Derby, Builder. Derby. Pet Sept 23. Ord Oct 6. Exam Nov 15
Thurston, John, Peterborough, Ironmonger. Peterborough. Pet Oct 4. Ord Oct 4. Exam Oct 20 at 1
Tucker, John, Cinderford, Gloucester, Shoemaker. Gloucester. Pet Oct 4. Ord Oct 4. Exam Nov 16
Walton, Samuel, Manchester, Spinner. Manchester. Pet Aug 7. Ord Oct 4. Exam Oct 23 at 10.30
Welman, Elizabeth Sprackett, Sarah Welman, and Robert Welman, Hanham, Gloucester, Farmers. Bristol. Pet Oct 1. Ord Oct 6. Exam Oct 29 at 12 at Guildhall, Bristol
Williams, Thomas Thomas, Dolwyddelen, Carnarvon, Licensed Victualler. Bangor. Pet Oct 4. Ord Oct 4. Exam Nov 4 at 12

FIRST MEETINGS.

Barton, Thomas, Sutton, nr Macclesfield, Silk Manufacturer. Oct 16 at 10.30. Official Receiver, 23, King Edward st, Macclesfield
Bellis, John, Liverpool, Coal Merchant. Oct 19 at 2. Official Receiver, 35, Victoria st, Liverpool
Blewett, John, St Neot, nr Liskeard, Farmer. Oct 19 at 12. Stag Hotel, Liskeard
Brierley, Squire, Rochdale, Engine Tenter. Oct 19 at 3.30. Townhall, Rochdale
Champion, Edwin, Bearsted, Kent, Farmer. Oct 19 at 3. Official Receiver, Week st, Maidstone
Coldicutt, Charles Edward, Burghfield, Berks, Farmer. Oct 18 at 1.30. Queen's Hotel, Reading
Cox, William Stokes, West Bromwich, Staffordshire, Brewer. Oct 25 at 10.45. Court house, Oldbury
Davies, David, Pontypridd, Tailor. Oct 15 at 10.30. Official Receiver, Merthyr Tydfil
Davies, James, Brynmawr, Breconshire, Innkeeper. Oct 15 at 12. Official Receiver, Merthyr Tydfil
Dunham, Henry, Northampton, Builder. Oct 16 at 4, County Court, Northampton
Edge, William Richard, Salford, Lancashire, Medical Plaister Manufacturer. Oct 15 at 2.30. Official Receiver, Ogden's chbrs, Bridge st, Manchester
Ellwood, William, North Shields, Saddler. Oct 19 at 2.30. Official Receiver, Pink lane, Newcastle on Tyne
Galli, Andrea Joseph, and Thomas Hauxworth, Leeds, Jewellers. Oct 18 at 3. Official Receiver, St Andrew's chbrs, 22, Park row, Leeds
Giles, Sidney, Abergavenny, Mon, Grocer. Oct 18 at 3. Official Receiver, Merthyr Tydfil
Hartley, William, Bingley, Yorks, Auctioneer. Oct 15 at 12. Official Receiver, 31, Manor row, Bradford
Hunt, John, Prestatyn, Flintshire, Grocer. Oct 18 at 2. Official Receiver, Crypt chbrs, Chester
Maden, Margerison, Manningham, Bradford, Coal Dealer. Oct 18 at 11. Official Receiver, 31, Manor row, Bradford
Middleton, James, Bowness, Westmoreland, Painter. Oct 16 at 11. Official Receiver, 37, Stramongate, Kendal
Mildren, William, Crowan, Cornwall, Bootmaker. Oct 15 at 12. Official Receiver, Boscawen st, Truro
Mills, George Edgar Selman, West Bromwich, Publican. Oct 25 at 10.30. Court house, Oldbury
Powell, James, Eardisley, Herefordshire, Coal Merchant. Oct 28 at 10.15. Oak Hotel, Leominster
Richens, James, London rd, Isleworth, Gardener. Oct 18 at 12. 28 and 29, St Swithin's lane
Robinson, John Colwell, and Edward James Bayly, Liverpool, Bicycle Manufacturers. Oct 19 at 3. Official Receiver, 35, Victoria st, Liverpool
Roebuck, Henry, York, Carver. Oct 15 at 2. Official Receiver, York

Rowell, Jane, Middle Bruntcn Farm, Northumberland, Widow. Oct 18 at 11. Official Receiver, Pink lane, Newcastle on Tyne
Sackfield, Thomas, Clifton, nr Manchester, Farmer. Oct 15 at 3. Official Receiver, Ogden's chbrs, Bridge st, Manchester
Saunders, Robert Thomas, Shipley, Yorks, out of business. Oct 18 at 11. Official Receiver, St Andrew's chbrs, 22, Park row, Leeds
Settle, Sarah Ann, Kingston upon Hull, Schoolmistress. Oct 19 at 11. Official Receiver, Lincoln's inn bldgs, Bowlalley lane, Hull
Smith, Thomas, jun (sep estate), Birmingham, Manufacturer of Tools. Oct 21 at 11. Gt Western Hotel, Birmingham
Smith, Thomas (sep estate), Birmingham, Manufacturer of Tools. Oct 21 at 11. Gt Western Hotel, Birmingham
Smith, Thomas, William Smith, and Thomas Smith, jun, Saltley, nr Birmingham, Manufacturers of Tools. Oct 21 at 11. Gt Western Hotel, Birmingham
Smith, William (sep estate), Birmingham, Manufacturer of Tools. Oct 21 at 11. Gt Western Hotel, Birmingham
Thurston, John, Peterborough, Ironmonger. Oct 25 at 12. County Court, Peterborough
Tucker, John, Cinderford, Gloucestershire, Shoemaker. Oct 15 at 3.15. George, Railway Hotel, Bristol
Turver, Samuel Charles, Ledbury, Herefordshire, Miller. Oct 16 at 11. Official Receiver, Worcester
Williams, Thomas Thomas, Dolwyddelen, Carnarvonshire, Licensed Victualler. Oct 18 at 12. Official Receiver, Crypt chbrs, Chester
Wills, Edward Distin, Manchester, Lithographer's Agent. Oct 15 at 11.30. Official Receiver, Ogden's chbrs, Bridge st, Manchester
Wood, George William, Flixton, Lancashire, Grocer. Oct 15 at 11. Official Receiver, Ogden's chbrs, Bridge st, Manchester
The following amended notice is substituted for that published in the London Gazette of Sept 28.
Clark, Thomas Noble, jun, Troutbeck, Westmoreland, Farmer. Oct 16 at 12. Official Receiver, 37, Stramongate, Kendal

ADJUDICATIONS.

Buckley, William, Dewsbury, Yorks, Worsted Spinner. Dewsbury. Pet Sept 9. Ord Oct 6
Buss, Benjamin Thomas, Dover, Draper. Canterbury. Pet Sept 18. Ord Oct 2
Camm, William, Brecon, Innkeeper. Merthyr Tydfil. Pet Oct 5. Ord Oct 6
Carter, Josiah, Leeds, Commercial Traveller. Leeds. Pet Oct 4. Ord Oct 6
Champion, Edwin, Bearsted, Kent, Farmer. Maidstone. Pet Oct 5. Ord Oct 5
Clark, Thomas Noble, the younger, Troutbeck, Westmoreland, Farmer, Kendal. Pet Sept 13. Ord Oct 6
Cousins, Henry, New Basford, Nottingham, Lace Maker. Nottingham. Pet Sept 22. Ord Oct 6
Cox, William Stokes, West Bromwich, Staffordshire, Brewer. Oldbury. Pet Sept 30. Ord Oct 5
Davies, David, Pontypridd, Glamorganshire, Tailor. Pontypridd. Pet Sept 30. Ord Oct 4
Davies, James, Brecon, Innkeeper. Tredegar. Pet Sept 30. Ord Oct 4
Docwra, Launcelot, Treydon Bois, Essex, Gent. Edmonton. Pet July 20. Ord Oct 6
Fieldhouse, Thomas, Rotherham, Yorks, Shoemaker. Sheffield. Pet Oct 2. Ord Oct 5
Fletcher, Alfred, Westgate, Wakefield, Hosier. Wakefield. Pet Sept 3. Ord Oct 1
Fontaine, Alexander, Northcross rd, East Dulwich, Bootmaker. High Court Pet Aug 19. Ord Oct 5
Foster, Walter William, Newbury, Berkshire, Tailor. Newbury. Pet Sept 14. Ord Oct 6
Grime, John, Kingston upon Hull, Engineer. Kingston upon Hull. Pet Sept 4. Ord Oct 6
Hart, Jonathan, and Charles William Brier, Dewsbury, Contractors. Dewsbury. Pet Sept 4. Ord Oct 6
Hillard, James, Swansea, Furniture Dealer. Swansea. Pet Sept 15. Ord Oct 5
Hine, John, Aspatria, Cumberland, Miller. Carlisle. Pet Sept 20. Ord Oct 4
Hodgson, Thomas, Amhurst rd, Stoke Newington, Commission Agent. High Court. Pet Oct 4. Ord Oct 4
Hopkin, Abraham, Kirkley, Suffolk, Miller. Great Yarmouth. Pet Aug 27. Ord Oct 5
Hunt, Adela Elizabeth Charlotte, Ipswich, Spinster. Ipswich. Pet Aug 24. Ord Oct 2
Illingworth, Benjamin, Dewsbury, Yorks, Contractor. Dewsbury. Pet Sept 1. Ord Oct 6
Kent, Edward Jonah, Batley, Yorks, Grocer. Dewsbury. Pet Sept 14. Ord Oct 2
Kingston, Henry, Staple hill, Gloucestershire, Coach Builder. Bristol. Pet Oct 5. Ord Oct 6
Kite, George Longden, Market st, Guildford, Tailor. Guildford and Godalming. Pet Sept 28. Ord Oct 5
Longley, Edward, Ramsgate, Shipwright. Canterbury. Pet Aug 27. Ord Oct 2
Maden, Margerison, Manningham, Bradford, Coal Dealer. Bradford. Pet Oct 4. Ord Oct 5
Marsden, Abraham, Sherburn, Yorks, Farmer. York. Pet Sept 22. Ord Oct 4
Middleton, James, Bowness, Westmoreland, Painter. Kendal. Pet Sept 20. Ord Oct 4
Mills, George Edgar Selman, West Bromwich, Staffordshire, Publican. Oldbury. Pet Sept 27. Ord Oct 5
Mitchell, George, Bungay, Suffolk, Merchant's Clerk. Great Yarmouth. Pet Sept 8. Ord Oct 5
Morgan, Samuel, Lampeter, Cardiganshire, Farmer. Carmarthen. Pet Sept 20. Ord Oct 4
Norton, Charles William Boult, Derby, Coal Merchant. Derby. Pet Sept 15. Ord Oct 4
Notley, Walter Samuel, Hepworth, Suffolk, Farmer. Norwich. Pet Sept 8. Ord Oct 5
Parkin, Henry William, Sheffield, Provision Dealer. Sheffield. Pet Oct 5. Ord Oct 5
Pierce, John, Birkenhead, Builder. Birkenhead. Pet Oct 4. Ord Oct 5
Powell, James, Eardisley, Herefordshire, Coal Merchant. Leominster. Pet Sept 30. Ord Oct 5
Rattenbury, John, Cardiff, Boot Dealer. Cardiff. Pet Aug 31. Ord Oct 4
Ross, Hugh, and Duncan Ross, Tower chbrs, Finsbury pavement, Timber Merchants. High Court. Pet June 12. Ord Oct 5
Sackfield, Thomas, Clifton, nr Manchester, Farmer. Salford. Pet Sept 30. Ord Oct 4
Shields, Richard, Leeds, Yorks, Solicitor's Clerk. Leeds. Pet Oct 4. Ord Oct 6
Smith, George, Manchester, Perambulator Manufacturer. Manchester. Pet Oct 6. Ord Oct 6
Smith, Joseph Meiland, Hengoed, Glamorganshire, Railway Contractor. Tunbridge Wells. Pet July 24. Ord Oct 6
Starling, William, Great Yarmouth, Wine Merchant's Clerk. Great Yarmouth. Pet Sept 20. Ord Oct 5
Thomas, Griffith, Swansea Valley, Glamorganshire, Licensed Victualler. Neath. Pet Sept 21. Ord Oct 5
Turner, Shepherd, Over Darwen, Lancashire, Grocer. Blackburn. Pet July 1. Ord Oct 4
Turner, William, Blackburn, Lancashire, Draper. Blackburn. Pet Sept 20. Ord Oct 5
Williams, David, Leeds, Grocer. Leeds. Pet Oct 2. Ord Oct 6

TUESDAY, Oct. 12, 1886.

RECEIVING ORDERS.

Anslow, Edwin, Walsall, Grocer. Walsall. Pet Oct 8. Ord Oct 8. Exam Oct 25 at 10.30
Anslow, Kenry, Wolverhampton, Grocer. Wolverhampton. Pet Oct 5. Ord Oct 6. Exam Nov 9
Baillie, John B, Cleveland row, St James's, Gent. High Court. Pet Sept 16. Ord Oct 9. Exam Nov 17 at 1 at 34, Lincoln's inn fields
Blackburn, Thomas, Blackburn, Grocer. Blackburn. Pet Oct 8. Ord Oct 8. Exam Nov 2 at 11.30 at County court house, Blackburn
Bolton, Julia, Riggindale rd, Streatham, Widow. Wandsworth. Pet Aug 6. Ord Oct 7. Exam Nov 11
Botting, Thomas, and Frederick Botting, Chilworth, Surrey, Farmers. Guildford and Godalming. Pet Oct 7. Ord Oct 7. Exam Oct 28 at 1 at Townhall, Guildford
Brayshaw, George, Stockton on Tees, Commission Agent. Stockton on Tees and Middlesborough. Pet Oct 8. Ord Oct 8. Exam Oct 13
Carruthers, Robert, Carlisle, Dealer in Fancy Goods. Carlisle. Pet Oct 7. Ord Oct 7. Exam 21 at 11 at Court house, Carlisle
Cook, Francis, Luton, Straw Hat Maker. Luton. Pet Oct 7. Ord Oct 7. Exam Oct 28 at 12
Curteis, Joseph Edward, East Stonehouse, Devon, Solicitor. East Stonehouse. Pet Sept 22. Ord Oct 7. Exam Nov 3 at 11
Goodchild, J A, Bournemouth, Builder. Poole. Pet Sept 11. Ord Oct 7. Exam Nov 17 at 12 at Townhall, Poole
Hill, John Edward, Cumnor rd, Sutton, Photographer. High Court. Pet Oct 8. Ord Oct 8. Exam Nov 19 at 11.30 at 34, Lincoln's inn fields
Hills, John, Faversham, Kent, Bootmaker. Canterbury. Pet Oct 8. Ord Oct 8. Exam Oct 22
Jones, John Lewis, Abergwynfi, Glamorganshire, Draper. Neath. Pet Oct 8. Ord Oct 9. Exam Oct 26 at 10.30 at Townhall, Neath
Jones, William, Llanystumdwy, Carnarvonshire, Grocer. Bangor. Pet Oct 7. Ord Oct 8. Exam Nov 4 at 11 at Court house, Bangor
Kipps, Jane, Sevenoaks, Widow. Tonbridge Wells. Pet Oct 7. Ord Oct 7. Exam Nov 4 at 12
Kirkwood, George, Workington, Cumberland, Auctioneer. Cockermouth and Workington. Pet Oct 6. Ord Oct 7. Exam Oct 28 at 11 at Court house, Nook st, Workington
Lawson, George, Carlisle, Bootmaker. Carlisle. Pet Oct 8. Ord Oct 8. Exam Oct 26 at 11 at Court house, Carlisle
Lee, George Alfred, Southsea, Optician. Portsmouth. Pet Oct 7. Ord Oct 7. Exam Oct 25
Monk, John Thomas, Goswell rd, Grocer. High Court. Pet Oct 9. Ord Oct 9. Exam Nov 18 at 11.30 at 34, Lincoln's inn fields
Munday, Charles, Luton, Straw Hat Maker. Luton. Pet Sept 30. Ord Oct 7. Exam Oct 28 at 11.30
Myners, John Charles, Exeter, Bootmaker. Exeter. Pet Oct 7. Ord Oct 7. Exam Oct 29 at 11
Newman, George Henry, and Joseph Henry Newman, Saul, Gloucestershire, Sailmakers. Gloucester. Pet Oct 7. Ord Oct 7. Exam Nov 16
Parsons, James, Fazeley, Staffs, Builder. Birmingham. Pet Oct 7. Ord Oct 7. Exam Nov 10 at 2
Percy, William, Shanklin, I.W., Hotel Proprietor. Newport and Ryde. Pet Oct 9. Ord Oct 9. Exam Oct 23 at 4
Ray, Robert, Ashton upon Mersey, Cheshire, Joiner. Manchester. Pet Oct 7. Ord Oct 7. Exam Nov 4 at 11
Richards, Samuel William, Worksop, Notts, Builder. Sheffield. Pet Sept 24. Ord Oct 7. Exam Oct 28 at 11.30
Roberts, Thomas, Bryngwran, Anglesey, Tanner. Bangor. Pet Oct 5. Ord Oct 5. Exam Nov 4 at 12
Roberts, William, Atherstone, out of business. Birmingham. Pet Oct 8. Ord Oct 8. Exam Nov 9 at 2
Roberts, William Henry, Coleman st, Solicitor. High Court. Pet July 13. Ord Sept 9. Exam Nov 2 at 11.30 at 34, Lincoln's inn fields
Sheard, Charles Henry, High Holborn, Music Publisher. High Court. Pet Sept 16. Ord Oct 7. Exam Nov 16 at 12 at 34, Lincoln's inn fields
Smith, Alfred, Cleator Moor, Cumberland, Grocer. Whitehaven. Pet Oct 7. Ord Oct 7. Exam Oct 25 at 12
Smith, Isaac Esau, West Bromwich, Staffs, Builder. Oldbury. Pet Sept 29. Ord Oct 6. Exam Nov 8
Steedon, Thomas, Edgware rd, no occupation. High Court. Pet Oct 8. Ord Oct 8. Exam Nov 16 at 11.30 at 34, Lincoln's inn fields
St. George, Arthur French, Chancery lane, Electrician. High Court. Pet Sept 21. Ord Oct 7. Exam Nov 16 at 11.30 at 34, Lincoln's inn fields
Thomas, Harriet Louisa, Presteign, Radnorshire, Licensed Victualler. Leominster. Pet Oct 7. Ord Oct 8. Exam Oct 28
Toon, James, Walsall, Horse Breaker. Walsall. Pet Oct 9. Ord Oct 9. Exam Oct 25 at 11
Walker, Jane, residence unknown, Widow. High Court. Pet July 12. Ord Oct 7. Exam Nov 16 at 11.30 at 34, Lincoln's inn fields
Watts, Edward, Aston New Town, Warwickshire, Boot Dealer. Birmingham. Pet Sept 8. Ord Oct 9. Exam Nov 4 at 2
Watts, James, and Joseph Watts, Drewsteignton, Devon, Farmers. East Stonehouse. Pet Oct 6. Ord Oct 9. Exam Nov 5 at 11
Wayre, Alexander, Oxford st, Furrier. High Court. Pet Oct 9. Ord Oct 9. Exam Nov 16 at 12 at 34, Lincoln's inn fields
White, Henry, Goodramgate, York, Fent Merchant. York. Pet Oct 5. Ord Oct 7. Exam Nov 12 at 11.30 at Guildhall, York
Woolhouse, Enoch, Ecclesfield, Yorks, Butcher. Sheffield. Pet Oct 8. Ord Oct 9. Exam Nov 4 at 11.30
The following Amended Notice is substituted for that published in the London Gazette of Sept 21.
Whorton, George William, St. Edmonds, Norwich, Wine Merchants' Clerk. Norwich. Pet Sept 17. Ord Sept 17. Exam Oct 6 at 12 at Shirehall, Norwich Castle

FIRST MEETINGS.

Anderson, Fanny Susannah, Boston, Lincolnshire. Oct 26 at 11. Official Receiver, 48, High st, Boston
Anslow, Edwin, Walsall, Grocer. Oct 25 at 10. Official Receiver, Bridge st, Walsall
Anslow, Henry, Wolverhampton, Grocer. Oct 20 at 10. Official Receiver, St Peter's close, Wolverhampton
Barnes, Thomas, Brighton, Marine Store Dealer. Oct 19 at 12. Official Receiver, 4, Pavilion bldgs, Brighton
Bell, Edward, Bootle, nr Liverpool, Commission Agent. Oct 22 at 3. Official Receiver, 35, Victoria st, Liverpool
Bennett, James William, and John Edward Bennett, Leeds, Woollen Merchants. Oct 21 at 3. Official Receiver, St Andrew's chbrs, 22, Park row, Leeds
Bradshaw, Richard, Hogsthorpe, Lincolnshire, Farmer. Oct 26 at 11.30. Official Receiver, 48, High st, Boston
Camm, William, Llanfaes, Brecon, Innkeeper. Oct 20 at 11. Official Receiver, Merthyr Tydfil
Carne, John Devereux Vann Loder Nicholl, Tresilian, nr Bridgend, Glamorganshire, Gent. Oct 19 at 11. Official Receiver, 3, Crockherbtown, Cardiff
Carruthers, Robert, Carlisle, Dealer in Fancy Goods. Oct 21 at 12. Official Receiver, 34, Fisher st, Carlisle
Carter, Josiah, Leeds, Commercial Traveller. Oct 21 at 11. Official Receiver, St Andrew's chbrs, 22, Park row, Leeds

Casey, John, Liverpool, Labourer. Oct 19 at 1.30. Official Receiver, 35, Victoria st, Liverpool
Cook, Francis, Luton, Straw Hat Manufacturer. Oct 21 at 3. Official Receiver, 29, Park st West, Luton, Beds
Coton, Thomas Henry, Kingston upon Thames, Dairyman. Oct 19 at 11.30. 28 and 29, St Swithin's lane
Curteis, Joseph Edward, East Stonehouse, Solicitor. Oct 21 at 11. Official Receiver, 18, Frankfort st, Plymouth
Dearing, Edwin, Aylesbury, Grocer. Oct 25 at 11. County Court, Aylesbury
Dyroff, Adolphe, Crutched Friars, Wine Merchant. Oct 20 at 1. 33, Carey st, Lincoln's inn
Gilding, Matthew, Ramsey, Huntingdonshire, Grocer. Oct 25 at 1.30. County Court, Peterborough
Goodchild, J. A., Bournemouth, Builder. Oct 21 at 12.30. The Criterion Hotel, Bournemouth
Holmes, Charles Alfred, Pitt st, Barnsley, Wine Merchant. Oct 20 at 10. Official Receiver, 3, Eastgate, Barnsley
Kingston, Henry, Staple hill, Gloucestershire, Coachbuilder. Oct 19 at 3. Official Receiver, Bank chmbrs, Bristol
Kirkwood, George, Workington, Cumberland, Auctioneer. Oct 21 at 2. 67, Duke st, Whitehaven
Lawson, George, Carlisle, Boot Maker. Oct 26 at 12. Official Receiver, 34, Fisher st, Carlisle
Lee, George Alfred, Southsea, Optician. Oct 25 at 3. Official Receiver, 166, Queen st, Portsea
McKeowen, Margaret, North Audley st, Outfitter. Oct 21 at 11. Bankruptcy bldgs, Portugal st, Lincoln's inn
Munday, Charles, Luton, Straw Hat Manufacturer. Oct 21 at 11. Official Receiver, 29, Park st West, Luton, Beds
Myners, John Charles, Exeter, Bootmaker. Oct 21 at 11. Castle of Exeter, Exeter
Newman, George Henry, and Joseph Henry Newman, Saul, Gloucestershire, Sailmakers. Oct 19 at 3. Official Receiver, Gloucester
Palmer, Robert, Leeds, Provision Dealer. Oct 21 at 12. Official Receiver, St. Andrew's chbrs, 22, Park row, Leeds
Percy, William, Shanklin, I.W., Hotel Proprietor. Oct 23 at 3. Official Receiver, Newport, I.W.
Phillips, James, Durham, Painter. Oct 19 at 4.30. Three Tuns Hotel, Durham
Pierce, John, Birkenhead, Builder. Oct 20 at 2. Official Receiver, 48, Hamilton sq, Birkenhead
Pistorius, Anton Felix, Tollington pk, Hornsey rd, Insurance Broker. Oct 21 at 11. 33, Carey st, Lincoln's inn
Purvis, Rachael Louise, Buckingham Palace rd, Spinster. Oct 20 at 1. Bankruptcy bldgs, Portugal st, Lincoln's inn
Roberts, Thomas, Bryngwran, Anglesey, Tanner. Oct 25 at 5. Station Hotel, Holyhead
Robinson, Stephen, Great Hallingbury, Essex, Farmer. Oct 20 at 11. Dimsdale Arms Hotel, Herts
Sheard, George Henry, Mirfield, Yorks, Grocer. Oct 19 at 3. Official Receiver, Bank chbrs, Batley
Smith, Alfred, Cleator Moor, Cumberland, Grocer. Oct 21 at 3. 67, Duke st, Whitehaven
Summers, Thomas, Weston st, Old Kent rd, Fruit Salesman. Oct 21 at 1. 33, Carey st, Lincoln's inn
Tadman, Richard, Normanton, Derbyshire, Builder. Oct 20 at 2.30. Official Receiver, St. James's chbrs, Derby
White, George, York, Mason. Oct 21 at 12. Official Receiver, 17, Blake st, York
White, Henry, York, Fent Merchant. Oct 19 at 1.30. Official Receiver, Ogden's chbrs, Bridge st, Manchester
Woodcock, William, Guisbrough, Confectioner. Oct 21 at 11. Official Receiver, 8, Albert rd, Middlesborough

The following amended notice is substituted for that published in the London Gazette of Oct. 5.

Brown, John, Skirbeck, Lincolnshire, Feather Merchant. Oct 26 at 12. Official Receiver, 48, High st, Boston

ADJUDICATIONS.

Anderson, William, Wallsend, Northumberland, Painter. Newcastle on Tyne. Pet Sept 25. Ord Oct 9
Anslow, Henry, Wolverhampton, Grocer. Wolverhampton. Pet Oct 5. Ord Oct 9
Astley, Charles James Dukinfield, Gt Grimsby, Smackowner. Gt Grimsby. Pet Sept 20. Ord Oct 9
Ball, Frederick Charles, Didsbury, Lancs, Beer Retailer. Stockport. Pet Sept 16. Ord Oct 9
Barnes, Thomas, Brighton, Marine Store Dealer. Brighton. Pet Oct 2. Ord Oct 7
Beacon, Alfred George, Birmingham, Stationer. Birmingham. Pet Sept 11. Ord Oct 9
Bloomfield, Charles, High st, West Norwood, Bootmaker. High Court. Pet Oct 4. Ord Oct 7
Brayshaw, George, Stockton on Tees, Commission Agent. Stockton on Tees and Middlesborough. Pet Oct 8. Ord Oct 8
Cannon, David, Rock Ferry, Cheshire, Gent. Birkenhead. Pet Sept 1. Ord Oct 7
Carruthers, Robert, Carlisle, Dealer in Fancy Goods. Carlisle. Pet Oct 7. Ord Oct 7
Dawson, William Arthur, and Mary Ann Dawson, Burlington arcade, Piccadilly, Bootmakers. High Court. Pet Sept 1. Ord Oct 8
Fisher, William, Bromsgrove, Worcester, Builder. Worcester. Pet Sept 23. Ord Oct 8
Fox, Charles James, Bishopsgate st, Within, Contractor. High Court. Pet Aug 24. Ord Oct 8
Gismazzi, Augustus, Conduit st, Regent st, Jeweller. High Court. Pet Sept 29. Ord Oct 7
Giles, Sidney, Abergavenny, Mon, Grocer. Tredegar. Pet Sept 18. Ord Oct 8
Griffith, Evan Glynne, Pwllheli, Carnarvonshire, Gardener. Bangor. Pet Sept 9. Ord Oct 6
Johnson, George, Carrington, Nottingham, Picture Frame Maker. Nottingham. Pet June 5. Ord Oct 8
Kelley, Robert Andrew, Gt James st, Bedford row, Solicitor. High Court. Pet July 15. Ord Oct 9
Lambourne, Edward, Birmingham, Chair Manufacturer. Birmingham. Pet Oct 5. Ord Oct 7
Laver, Charles, Strand, Licensed Victualler. High Court. Pet Sept 21. Ord Oct 8
McKeowen, Margaret, North Audley st, Outfitter. High Court. Pet Sept 21. Ord Oct 6
Monk, John Thomas, Goswell rd, Grocer. High Court. Pet Oct 9. Ord Oct 9
Morris, John, Lampeter Velfry, Pembrokeshire, Farmer. Pembroke Dock. Pet Sept 21. Ord Oct 8
Newman, George Henry, and Joseph Henry Newman, Saul, Gloucestershire, Sailmakers. Gloucester. Pet Oct 7. Ord Oct 7
Percy, William, Shanklin, Isle of Wight, Hotel Proprietor. Newport and Ryde. Pet Oct 9. Ord Oct 9
Pirrie, John Sinclair, and Thomas Timmins, Walbrook, Engineer. High Court. Pet Aug 14. Ord Oct 9
Ray, Robert, Ashton upon Mersey, Cheshire, Joiner. Manchester. Pet Oct 7. Ord Oct 7
Richards, Samuel William, Worksop, Nottinghamshire, Builder. Sheffield. Pet Sept 24. Ord Oct 8
Richens, James, London rd, Isleworth, Gardener. Brentford. Pet Aug 23. Ord Oct 7
Roberts, Robert, Liverpool, Builder. Liverpool. Pet Aug 26. Ord Oct 7
Roberts, Thomas, Holyhead, Chemist. Bangor. Pet Sept 27. Ord Oct 6
Roberts, William, Atherstone, Warwickshire, out of business. Birmingham. Pet Oct 8. Ord Oct 9
Robinson, William, Fighting Cocks, Durham, Innkeeper. Stockton on Tees and Middlesborough. Pet Sept 4. Ord Oct 6
Sasserath, J, Dover. Canterbury. Pet Aug 31. Ord Oct 7
Settle, Sarah Ann, Kingston upon Hull, Schoolmistress. Kingston upon Hull. Pet Oct 6. Ord Oct 9
Siddell, Joseph, Sunderland, Fish Salesman. Sunderland. Pet Sept 9. Ord Oct 9
Smith, Alfred, Cleator Moor, Cumberland, Grocer. Whitehaven. Pet Oct 7. Ord Oct 8
Stocks, James, Kingston upon Hull, Estate Agent. Kingston upon Hull. Pet Sept 23. Ord Oct 8
Strivens, Alfred, and Robert Hammersley Bax, Cowan st, Albany rd, Camberwell, Builders. High Court. Pet Sept 30. Ord Oct 9
Tucker, John, Cinderford, Gloucester, Shoemaker. Gloucester. Pet Oct 4. Ord Oct 8
Warren, Henry, Radnage, Buckingham, Farmer. Aylesbury. Pet July 30. Ord Oct 7
Witcomb, Charles, King's rd, Chelsea, Tailor. High Court. Pet Aug 13. Ord Oct 7

The following amended notice is substituted for that published in the London Gazette of Aug. 20.

Bent, Charles Austin, Birmingham, Jewel Case Maker. Birmingham. Pet Aug 12. Ord Aug 18

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